United Nations A/58/219

General Assembly

Distr.: General
5 August 2003

Original: English

Fifty-eighth session
Item 119 (c) of the provisional agenda*
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Myanmar

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, the interim report prepared by Paulo Sergio Pinheiro, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, in accordance with Commission resolution 2003/12 and Economic and Social Council decision 2003/__ (see E/2003/23 (part I), chap. I, sect. B, draft decision 2).

* A/58/150.

03-45983 (E) 080903

Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar

Summary

The present report is based upon the findings of the Special Rapporteur's visit to Myanmar undertaken in March 2003 and information received by him up to 28 July 2003. The visit was curtailed by the Special Rapporteur when he discovered a functioning listening device in the room where he was conducting interviews with political prisoners.

During the visit, the Special Rapporteur noticed the lack of progress in the process of dialogue and detected some worrying signs of erosion of confidence between the Government and the National League for Democracy (NLD). Although he noted the urgency of addressing the evolving situation, the deadlock symptoms with regard to the dialogue and escalating political tensions contributed to setting the scene for the tragic events of the night of 30 May, followed by a significant deterioration of the human rights situation. On that day National League for Democracy members and supporters accompanying party General Secretary Daw Aung San Suu Kyi on her tour of Upper Myanmar were attacked by pro-Government protesters near Depayin (Sagaing Division). As a result, more than 100 NLD members and supporters, among them elected members of Parliament, monks and students, were arrested, killed, wounded and missing. Information from various sources received thus far by the Special Rapporteur seems to indicate an element of premeditation on the part of the protesters and part of a general pattern of growing harassment of National League for Democracy supporters, particularly during Daw Aung San Suu Kyi's countryside trips.

The Special Rapporteur has sent several communications to the Government expressing his grave concern about the alleged death, bodily harm, detention and disappearance of scores of individuals as a result of the 30 May events, and urging the immediate and unconditional release of all those detained in this connection, as well as all other political prisoners. Although the Government has announced some releases, the Special Rapporteur believes that over 100 persons are still missing or in detention in connection with those events. Among the remaining detentions are: Daw Aung San Suu Kyi, National League for Democracy Deputy Chairman U Tin Oo and other leaders of the party. A series of these new detentions took place against the backdrop of continuing arrests and imprisonment of National League for Democracy members and other political activists since the beginning of 2003.

Other recent negative human rights-related developments included the closure of most (and perhaps all) National League for Democracy offices, among them its headquarters in Yangon; increased surveillance of members and supporters of the party and other political organizations; tighter control of the press, with no free access to information, including news about the 30 May incident, and reportedly frequent summoning and threatening of former political prisoners by the military intelligence.

Overall, the 30 May-related developments have constituted a potentially terminal setback on the political front and for that matter for the human rights

situation in the country: it could be argued that all the progress that had been achieved since the process of dialogue began in 2000 has been undone in one stroke. The Government's present posture has led to the freezing of diverse possibilities for cooperation with concerned States and international institutions, which had been ready to cooperate with Myanmar in the normalization of political and economic life. Thereby, the Government has put at serious risk the process of addressing urgently the existing precarious humanitarian situation, with all potential ramifications for the exercise of all human rights.

The Special Rapporteur has requested a visit to Myanmar as soon as possible, with a view to assess the present situation first-hand. He did so with the full support of the Office of the United Nations High Commissioner for Human Rights. This request remains to be officially answered by the Government.

With regard to allegations of human rights violations in ethnic areas, the Special Rapporteur is of the view that the credibility of his findings depends on his ability to establish facts in an objective and impartial manner. Consequently, he followed a two-pronged approach to his investigations: (a) conducting research based on independent interviews of refugees from those areas in Thailand and (b) making an independent assessment inside Myanmar by visiting some of the affected areas with a view to corroborating the results of his research and establishing facts about the alleged violations. While (a) had been completed, (b) has not yet taken place. The research conducted in Thailand in October-November 2002 documented such human rights abuses as forced labour, arbitrary taxation and extortion, forced relocations, torture, rape and extrajudicial executions, committed in parts of the States of Shan, Kayin, Kayah and Mon in Myanmar. At the time of writing, a reply from the Government was still outstanding regarding the proposed modalities of an independent assessment of the Special Rapporteur in Shan State.

In view of the prevailing situation in Myanmar, the Special Rapporteur's conclusions and recommendations contained in his previous reports (E/CN.4/2003/41 and E/CN.4/2002/45) remain valid. He is convinced that, if the Government wishes to renew its commitment to the process of political transition, it must start by immediately and unconditionally releasing Daw Aung San Suu Kyi, together with others detained in connection with the 30 May incident, as well as all other remaining political prisoners. Those responsible for the 30 May violence must be held accountable. In his view, the continuation of the present stalemate is a serious obstacle to the improvement in human rights of all the people of Myanmar, and he would support a recommendation that the situation in the country be brought to the attention of other instances in the United Nations.

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I. Introduction

1. The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar was established by the Commission in its resolution 1992/58 of 3 March 1992 and extended most recently in resolution 2003/12 of 16 April 2003. In that resolution, the Commission requested the Special Rapporteur to report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session. The present report is based upon the findings of the Special Rapporteur's visit to Myanmar undertaken in March 2003 and information received by him up to 28 July 2003.

II. Visit to Myanmar and related activities

2. The Special Rapporteur visited Myanmar from 19 to 24 March 2003, with a view to updating his assessment of the human rights situation and to pursue discussions with Myanmar authorities regarding his proposal to assess allegations of human rights violations in ethnic minority areas, in particular Shan State. Since this was to be a shorter mission than previous ones, he intended to work only in Yangon.

3. However, the visit had to be interrupted, owing to an incident involving the discovery by the Special Rapporteur of a functioning listening device placed under the table in the room where he was conducting interviews with political prisoners at Insein prison on 22 March. The incident constituted a breach of the standard operating procedures relating to the conduct of fact-finding missions by United Nations Special Rapporteurs. The Special Rapporteur protested strongly to the Government about the breach of confidentiality and non-interference with his proceedings contrary to the repeated assurances given to him by the Government and reiterated his modus operandi that all persons cooperating with him should be free from any form of intimidation, harassment or punishment before, during and after his missions. The Government presented its regrets and apologies and pledged to investigate the incident.

4. Activities during this short visit included meetings with the Secretary-1 of the State Peace and Development Council (SPDC), the Home Minister, the Labour Minister and the Deputy Foreign Minister. The Special Rapporteur also met with the General Secretary and members of the Central Executive Committee of NLD, the United Nations country team, the diplomatic community, international non-governmental organizations and recently released political prisoners and journalists. At Insein prison, he interviewed 10 prisoners (see annex I). Finally, he visited the mausoleum of former Secretary-General, U Thant.

5. On the way to and from Yangon, the Special Rapporteur had consultations with the Special Envoy of the Secretary-General for Myanmar. He completed his mission with briefings in Bangkok for representatives of the diplomatic community and the media.

6. On 27 March, the Special Rapporteur wrote a letter to the Deputy Foreign Minister of Myanmar with an appeal to give serious consideration to renewed, visible and convincing human rights initiatives to undo the damage caused by the "microphone" incident and to redefine the cooperation of his Government with the Commission on Human Rights in a credible manner. Referring to his earlier calls and recommendations, the Special Rapporteur restated what those initiatives could

be: immediate and unconditional release of all political prisoners; refraining from new arbitrary arrests; lifting of remaining restrictions on freedoms of expression, information, movement, assembly and association; initiating the reform of the system of administration of justice and of the legislation criminalizing the exercise of the most fundamental rights; and reviewing a policy relating to the paddy quota system exacted by the Government from rice farmers. He expressed the hope that the authorities would give serious consideration to those initiatives and would also come forward with a full explanation about the "microphone" incident.

7. The Special Rapporteur presented his annual report, together with an oral update to the Commission on Human Rights, on 31 March. Both in Geneva on that occasion and later in New York and Washington D.C., the Special Rapporteur met with representatives of Myanmar and other Member States, non-governmental organizations and private individuals who shared their views and information on the situation of human rights in Myanmar.

8. In his reply to the Special Rapporteur dated 28 April, the Deputy Foreign Minister informed him about "a thorough inquiry" into the incident at Insein prison. A fuller account on the results of the inquiry was provided to the Special Rapporteur on 18 July by the Myanmar Ambassador in Geneva. The letter indicated that a Special Committee of Inquiry set up on 9 April had found that four working-level officials of Insein prison had installed a listening device on their own initiative, without the authorization and knowledge of higher authorities. Those officials had been subjected to disciplinary actions: (a) U Than Soe, Deputy Director, Officer-in-Charge of Insein prison, had been transferred to Mandalay prison and his probationary period for promotion extended to another six months; (b) U Maung Maung Gyi, Chief Warden, Officer-in-Charge of the main jail, had been reprimanded and his promotion suspended for six months; (c) U Ye Myint, Warden, Officer-in-Charge of the main entrance, had been reprimanded and transferred to Paungde prison; and (d) U Ne Win, Assistant Warden, Public Relations Officer, had been demoted and transferred to Pegu prison. Finally, the authorities also pledged to do their best to ensure that similar unfortunate incidents would not occur again and that the integrity of the Special Rapporteur and his freedom of contact would be strictly respected.

III. Human rights-related developments

9. The Special Rapporteur is of the view that there can be no real improvement in the human rights situation in Myanmar without genuine progress towards national reconciliation. During his March visit to the country, he noted the lack of further progress in the process of dialogue, despite the considerable optimism of the international community following the lifting of restrictions on Daw Aung San Suu Kyi's movement on 6 May 2002. Moreover, he also detected some worrying signs of erosion of confidence between the Government and the NLD as both sides were giving signs of reciprocal distrust.

10. The Special Rapporteur noted the urgency of addressing the evolving situation in the meetings he had both during and after his visit. However, the deadlock symptoms with regard to the dialogue and escalating political tensions contributed to setting the scene for the tragic events of the night of 30 May, followed by a significant deterioration of the human rights situation. On that day, NLD members

and supporters accompanying NLD General Secretary Daw Aung San Suu Kyi were attacked by pro-Government protesters near Depayin (Sagaing Division). As a result, more than 100 NLD members and supporters, among them elected members of Parliament, monks and students, were arrested, killed, wounded and missing. Among the confirmed detentions were the NLD General Secretary, NLD Deputy Chairman U Tin Oo and other NLD leaders, who were reported to have been taken into "protective custody" for their own safety. The incident occurred during Daw Aung San Suu Kyi's tour of Kachin State and Sagaing Division (her eighth trip around the country since May 2002), which started on 6 May 2003 and was expected to end on 4 June.

11. The Special Rapporteur joined his voice with the wide international condemnation of SPDC. On 2 June, he issued a public statement with the Office of the United Nations High Commissioner for Human Rights and sent an urgent appeal to the Myanmar Government jointly with the Chairperson of the Working Group on Arbitrary Detention and the Special Rapporteur on the right to freedom of opinion and expression.

12. In reply to this urgent appeal, the Myanmar Ambassador in Geneva communicated on 27 June the results of an official inquest into the 30 May incident. Authorities claimed that NLD had incited the incident by breaching an agreement between the Government and NLD that the latter should not engage itself in any activity that could disrupt the existing peace and stability in the country. Members and supporters of NLD, joined by some monks, were said to have become lawless and had resorted to acts of violence, such as blocking public roads with disregard for traffic rules, using Buddhist monasteries for carrying out political activities and persuading people to come out into the streets in crowds and creating unrest. In the view of the authorities, such acts were "a far cry from the norms of democratic practices" and were "indeed acts of lawlessness, license and indiscipline", which gave rise to clashes between NLD and the local populace. The Government further claimed that, just as there were people in favour of Daw Aung San Suu Kyi, there were also many people hurt by the absence of international assistance and investment who strongly resented her support for economic sanctions against the country. In his discussions with the Special Envoy of the Secretary-General and others, the Special Rapporteur also learned that the Government believed that a plot, involving members of the Communist Party of Burma, certain ethnic nationality groups, members of NLD and foreign instigators, designed to undermine the stability and the security of the State was under way in Myanmar. Accordingly, the Government argued that it had been compelled to take certain temporary measures in order to ensure the safety of the General Secretary and some of the other NLD leaders. Finally, the Special Rapporteur was informed that four persons had died and 48 had been wounded in the incident, but he received assurances that the NLD General Secretary and Deputy Chairman had been unhurt.

13. Information from various sources received thus far by the Special Rapporteur seems to indicate an element of premeditation on the part of pro-Government protesters and part of a general pattern of growing harassment of NLD supporters, particularly during Daw Aung San Suu Kyi's countryside trips. As she had been received by large crowds, signs of renewed harassment and intimidation of NLD supporters had been becoming bolder, mainly on the part of the Union Solidarity and Development Association (USDA), a pro-Government mass organization. Thus, during her earlier trips to Rakhine State (16-24 December 2002) and to Chin State

(3-13 April 2003), pamphlets denouncing and demeaning her and NLD had been reportedly distributed in various other localities, including Sagaing, Mandalay, Bago and Tanintharyi Divisions and Kayin State. The use of batons and fire engine hoses by the police, fire brigades and USDA members to disperse NLD supporters had been reported in December. Those activities appeared to be in reaction to the SPDC concern about the NLD General Secretary's ·urn to an allegedly "confrontational posture", which was how NLD statements on Union Day and the Independence Day had been interpreted by SPDC. The reactivation of the Committee for the Representation of the People's Parliament would have been seen as provocative as well.

14. During Daw Aung San Suu Kyi's last trip prior to 30 May there had been several instances involving groups of USDA activists armed with knives obstructing vehicles of NLD leaders and a few cases of injuries of NLD members. Reports from unofficial sources suggest that there might have even been some form of military training provided for USDA members. According to testimonies of eyewitnesses, on 30 May, NLD members and supporters had been reportedly attacked by individuals believed to be USDA members with batons, clubs and iron bars. Unofficial reports suggest that at least eight persons are believed to be dead. Reportedly, a monk and two students were also killed on 31 May during clashes while protesting the previous day's incident.

15. In his letter to the Government on 1 July, the Special Rapporteur reiterated his grave concern about the alleged death, bodily harm, detention and disappearance of scores of individuals, including elected members of Parliament, in connection with the 30 May events. An annex to the letter listed the names of victims, including 51 persons held in various detention facilities, 6 elected members of Parliament under house arrest, 104 believed to have disappeared (among them 10 elected members of Parliament) and 8 reportedly dead. The Special Rapporteur urged the Government to clarify the cases in the most urgent and effective way and to release immediately all political prisoners. He also requested permission to visit Myanmar as soon as possible, with a view to assessing the situation first-hand. He made his request with the full support of the High Commissioner and his Deputy, (currently the Acting High Commissioner), both of whom had been following the situation in Myanmar with great concern. In his meeting with the Myanmar Ambassador in Geneva on 2 and 28 July, the Special Rapporteur repeated his request for an urgent visit. At the time of writing, the request remained to be officially answered.

16. The Special Rapporteur believes that, to date, there remain over 100 persons allegedly still missing or in detention in connection with the 30 May events. Many reportedly suffered injuries and have had no access to relatives or lawyers. With regard to reports of possible injuries suffered by the NLD General Secretary, during his last mission to Myanmar, the Special Envoy of the Secretary-General had brief access to her on 10 June in the presence of a military intelligence officer in an undisclosed location and, as far as he could see, she did not seem to have been injured. The International Committee of the Red Cross (ICRC) officials who also met with her on 28 July said that she was well and unhurt. According to ICRC which, since the end of June, had had access to some 30 newly detained persons, the NLD Deputy Chairman was also unhurt.

17. The Special Rapporteur echoes here the Secretary-General who, in his statement of 23 June, stated that the conditions under which Daw Aung San Suu Kyi

was being held, that is, incommunicado and without charge, is truly deplorable. The Secretary-General was informed through his Special Envoy that Ms. _____was being held under section 10-A of the 1975 State Protection Law designed to "safeguard the State against the dangers of subversive elements". Her detention under section 10-A contradicts the SPDC statement that she is being held for her own safety. Under this law, anyone perceived to be a threat to State security can be detained without charge, trial or judicial appeal for up to five years. The Special Rapporteur, still gravely concerned about the continued detention of Daw Aung San Suu Kyi under such conditions, joins the appeal of the Secretary-General to SPDC to release her immediately and unconditionally and underlines its responsibility for her protection and safety. The Special Rapporteur also repeats his earlier calls for the release without delay of all other political prisoners.

18. A series of these new detentions took place against the backdrop of continuing arrests and imprisonment of NLD members and other political activists during the first five months of 2003. In January two nuns were arrested after staging a peaceful protest in front of the Yangon City Hall. In February, the following 12 political activists were arrested: Sai Nyunt Lwin, Secretary of Shan NLD; Thaung Kyi, North Okkalapa NLD; Thet Htwe, aka Nyein Lu; Thin Thin Oo; Ma Than Htay; Khin Win, Vice-Chairman of Kamayut NLD; Maung Maung Aye; Maung Maung Myint; Tun Yin, Dallah NLD; Tin San, Joint Secretary, Thanlyin NLD; Khin Soe, Kunyangon NLD; and Phoe Aye. To the Special Rapporteur's knowledge, the last seven of them received thereafter sentences ranging from five years to life imprisonment for their alleged involvement in anti-Government activities, including planting bombs, holding demonstrations and distributing leaflets.

19. In May, a group of NLD members was arrested in Sagaing Division for engaging in peaceful opposition political party activities: Ko Win Nyunt, Ko Bo Htay, Ko Kyaw Tin, Ko Tin Maung, Ko San Aung, Ko Than Min, U Win Maung, Treasurer; U Tin Hlaing, all from Min Swe Hnit and Pyan Kyah villages, and U Win Myint Aung, an MP-elect for Tabayin 2. The last three of them were reported to have each been sentenced to two years' imprisonment on 22 May in Monywa, in what appears to have been a summary trial just three days after their detention. It remains to be ascertained whether they had access to legal counsel, medical care or their families during their detention.

20. Arrests of NLD politicians continued to be reported during the month of July (more than four weeks after the 30 May incident). On 5 July, Than Tun, Kyaw Kyaw Lwin, Aung Than, Kyaw Kyaw, U Hnout Khan Hmwe and Win Naing were reportedly arrested for distributing leaflets related to the above-mentioned incident. U Khin Win, U Maung Maung, Ko Than Aung, three NLD organizers and Ko Aung Thein Myint, a NLD youth member from Magway Division, were also reportedly arrested on 6 and 8 July, in connection with a petition that had been written to SPDC requesting the release of NLD fellow members and supporters. In an urgent appeal to the Government dated 18 July, the Special Rapporteur raised these cases jointly with the Special Rapporteur on the question of torture and the Chairman of the Working Group on Arbitrary Detention.

21. There have been some releases of political prisoners during the reporting period, but not at the pace of last year. During his last meeting with the Myanmar Home Minister in March 2003, the Special Rapporteur was informed that the SPDC count as of 20 March 2003 was 515 during 2000-2003 (12 in 2000, 105 in 2001, 335

in 2002 and 63 since the beginning of 2003). The release of the largest batch of prisoners (115) announced on 21 November 2002 had been confirmed and a full list of persons released since the Special Rapporteur's visit in October 2002 was provided. Compared with the same period last year, the pace of releases had markedly decreased (with only 1 reported release in January, 14 in February and 48 in March, of which only 9 appeared to have been political prisoners). All 515 releases had been made under the provisions of section 401 (1) of the Myanmar Code of Criminal Procedure, which conditioned the release on the prisoners' pledge not to undertake any activity detrimental to public order, despite the fact that many of those released had almost completed their sentences. At that time, five political prisoners were known to have refused the offer of such a conditional release. According to the Home Minister, there remained only 101 detainees (94 male and 7 female) who were members of political parties. Of those, 90 were said to be NLD members and the remainder were from six other political groups (named in government records as the Democratic Party for a New Society, the Student's Union, the Worker's Union, the National League, the National Democratic Organization and the Mon National Democratic Organization). At that time, the Special Rapporteur's estimate of remaining political prisoners was between 1,200 and 1,300.

22. According to publicly available reports, the releases in the past few months have included a number of prominent cases regarding which the Special Rapporteur had made representations to the Government: Shwe Saw Oo, Thar Tun Aung, and Khin Maung Gyi, Arakan League for Democracy members in April; 21 prisoners in May, among them U Sai Nyunt Lwin, Shan NLD leader, and Dr. Salai Tun Than. With regard to persons detained as a result of the 30 May events, the Special Rapporteur was informed by the Myanmar Mission in Geneva that, altogether, 96 persons had been freed thus far.

23. Other recent negative human rights-related developments included the closure of most (perhaps even all) NLD offices, among them its headquarters in Yangon; increased surveillance of members and supporters of NLD and other political organizations; tighter control of the press, with no free access to information, including news about the 30 May incident; and reportedly frequent summoning and threatening of former political prisoners by the military intelligence.

24. These are most regrettable developments, as they effectively not only cut off the limited political freedom that NLD had been allowed since Daw Aung San Suu Kyi's release in May 2002, but also envelope the country in the atmosphere of fear and repression. The Special Rapporteur presumes that activities of other political parties, which seem to have benefited somewhat from the temporary easiness in the political climate during the process of dialogue, will also be affected. Thus, according to news reports, the Shan NLD, which ranked the second in the 1990 elections in Myanmar, was able to hold a meeting of its Central Executive Committee in March in Yangon. Whether similar activities could be undertaken now remains to be seen.

25. Overall, the 30 May-related developments have constituted a potentially terminal setback on the political front and, for that matter, for the human rights situation in the country: it could be argued that the 30 May incident has undone in one stroke all the progress that had been achieved since the process of dialogue began in 2000. Related to this, there has been wide international concern about the prevailing situation and the acute realization of the need to do something to effect a

change in this country. A number of international bodies and Member States are assessing the scale and scope of their cooperation with the Myanmar Government. Of particular importance, Myanmar's friends and neighbours in the Association of South-East Asian Nations collectively called for the release of Daw Aung San Suu Kyi during their annual Foreign Ministers meeting in June.

26. The economic and humanitarian situation remains precarious. Massive inflation has pervaded the country as prices for commodities affecting the basic livelihood of people had jumped. Since the beginning of the year, public transportation fares (for airplanes, trains and buses) and telephone rates are reported to have increased at least three times. Late-year floods have also reportedly contributed to the increase in consumer prices for rice and other edible goods. No official announcement was made on the price hikes, nor have there been any reports on a pay adjustment for civil servants. As people have sought ways and means to cope with inflation, many have reportedly lost a substantial amount of their savings by investing in private companies lured by promises of high interest. These so-called "investment companies" have collapsed, taking with them the savings of local residents. As the Government has lost its credibility, owing to its track record, its attempts to restore confidence through any announcements are met with scepticism and further panic, exacerbated by a shortage of money and rumours of demonetization. This, in turn, has prompted a crisis of confidence in the private banking system, leading to a paralysis of the economy with significant consequences for the future prosperity of the country. Many businesses have suffered as a result. All of this throws into doubt the ability of the economy to generate the capital essential for the successful implementation of the new and to be welcomed liberalized market in paddy and rice.

IV. Proposed independent assessment of allegations of human rights violations in ethnic areas of Myanmar

A. Follow-up process

27. During the reporting period, the Special Rapporteur continued to pursue his efforts to obtain access to ethnic minority areas to investigate allegations of serious human rights violations (on earlier efforts, see E/CN.4/2003/41, paras. 35-46).

28. In response to his communications sent to the Myanmar authorities in November and December 2002, the Special Rapporteur received, on 22 January 2003, informal suggestions from the Myanmar Mission in Geneva regarding the possibility of the proposed independent assessment. It was suggested that the assessment be combined with his regular mission, that his team not comprise more than five experts and that he be present in the country throughout the whole duration of the assessment mission, which could be up to three weeks.

29. In his letter of 24 January, the Special Rapporteur advised the Myanmar Ambassador in Geneva that, owing to time constraints, in view of his other commitments, as well as operational considerations involving the need to agree on the detailed terms of reference for the mission, secure funding and logistics, and to identify and recruit the experts and interpreters, he would be unable to undertake a combined mission at such short notice in March 2003. The Special Rapporteur indicated that the most appropriate option would be to take the advantage of his visit

before the next General Assembly in October-November 2003. He could then go with a team of five experts and would travel to ethnic areas, including Shan State, to make an independent assessment of the allegations. In view of the complexities involved in combining a general human rights assessment and the verification of specific allegations, his expert advice was that the process would take from three to five weeks. He would have preferred to carry out the proposed investigation earlier (in the summer when he is available), but the rainy season would not permit it until October.

30. In his letter of 20 February to the Special Rapporteur, the Myanmar Ambassador informed him that during his forthcoming visit to Myanmar in March (19 to 26), the Special Rapporteur would get an opportunity to pursue discussions on his proposal for the October visit and the independent assessment.

31. At a meeting on 21 March, the SPDC Secretary-1 invited the Special Rapporteur and his team to visit Shan State to collect information and to study the situation first-hand and pledged his support. He clarified that the exercise should be considered as an assessment with a purpose to establish the truth and not a criminal investigation. He acknowledged that in some cases allegations had been found to be true and that action had been taken against perpetrators. He invited the Special Rapporteur to work out the practical modalities of the exercise with Brigadier General Than Tun (Head of Department, Office of Military Intelligence), who was also present at the meeting.

32. The Special Rapporteur expressed his appreciation to the Secretary-1 and also welcomed the progress with regard to another related proposal that he made to SPDC, which was to consider allowing an adequate presence of ICRC in all conflict areas of the country, so that it could assess the humanitarian situation on an ongoing basis, report confidentially to the authorities and work out with them appropriate measures to ensure the security and protection of the civilian population wherever needed. Since last November, ICRC had been allowed to extend its presence in sensitive areas in Shan State and started visiting areas of concern. However, the Special Rapporteur is concerned with the reports alleging that SPDC had swept the areas before and after the ICRC visit in Shan State.

33. In view of the interruption of his last visit, the Special Rapporteur had follow-up discussions on the modalities for the assessment mission with the Myanmar Ambassador in Geneva during the fifty-ninth session of the Commission on Human Rights. On 16 April, the Special Rapporteur submitted the draft modalities of the assessment both to the Myanmar Ambassador and directly to the Deputy Foreign Minister (see annex II).

34. On 5 May, the Special Rapporteur wrote to the Deputy Foreign Minister seeking an early feedback on the proposed modalities. On 8 May, the Myanmar Ambassador suggested to the Special Rapporteur that he go ahead with preparations for the assessment mission, "while working out the details with the Deputy Foreign Minister". While beginning preparatory work for the mission, the Special Rapporteur sent another letter to the Deputy Foreign Minister on 28 May, reiterating his request for feedback.

35. Following the very worrying developments in Myanmar after 30 May, the Special Rapporteur had consultations regarding the appropriateness and feasibility of the Shan assessment with key interlocutors during his stay in Geneva from 16 to

30 June, including the Secretary-General's Special Envoy for Myanmar, the High Commissioner for Human Rights and his Deputy, currently the Acting High Commissioner, and some representatives of Member States and civil society. These discussions resonated with the Special Rapporteur's view on the importance of pursuing his efforts for the Shan assessment.

36. In his letter to the Deputy Foreign Minister on 1 July, the Special Rapporteur made yet another attempt to obtain the agreement on the modalities. Regretting the delay, he made it clear that he would make public the findings of his research on the situation of human rights in ethnic areas of Myanmar conducted in Thailand in October and November 2002, should his efforts to carry out the assessment inside Myanmar prove to be unsuccessful. At the time of writing, a reply from the Government was still outstanding.

B. Research on the human rights situation in ethnic areas of Myanmar

37. While acknowledging that there are many outside Myanmar who disagree, the Special Rapporteur believes that the credibility of his findings relating to allegations of human rights violations in ethnic areas of Myanmar depends on his ability to establish facts in an objective and impartial manner. Consequently, the Special Rapporteur has followed a two-pronged approach in his investigations: (a) conducting research based on independent interviews of refugees from these areas in Thailand and (b) making an independent assessment inside Myanmar by visiting some of these affected areas with a view to corroborating the results of his research and establishing facts about the alleged violations. While (a) was completed, (b) has not yet taken place.

38. The Special Rapporteur and his team travelled to Thailand, including visits to border areas, following his missions to Myanmar in October 2001 and 2002. Furthermore, he commissioned research in Thailand from 10 October until 15 November, 2002. Its purpose was twofold: to gather directly first-hand testimonies from victims of, and witnesses to, human rights violations, and other persons who may have direct knowledge of circumstances or context of those violations, and to analyse the primary information thus collected by his team, with a view to providing a solid background with a focus on Shans, Kayins, Kayahs and Mons.

39. The exercise was not intended to duplicate the investigation carried out by other human rights groups or organizations. Rather, it was to enable the Special Rapporteur to assess their information, build up his own knowledge and understanding of the prevailing situation in those areas and to contribute to the preparation of his independent assessment on Myanmar.

40. The methodology of the research consisted in visiting areas in Thailand along the border with Myanmar to identify potential sources of information and to interview them thoroughly, separately and confidentially. Altogether, 118 interviews were conducted with recent victims of, or witnesses to, human rights violations in Myanmar (52 Shans, 44 Kayins, 13 Kayahs and 9 Mons, of which 70 were men and 48 women). Most of the interviewees were subsistence farmers and members of their families who had fled to Thailand. In addition, a large number of individuals and organizations with direct knowledge of circumstances and context of these violations were consulted. These included sources working on human rights issues

or with refugees and internally displaced persons. International organizations working in refugee camps were also approached.

41. Special attention was paid to collecting information concerning the allegations of violence, including sexual violence, against Shan women. Therefore, meetings were held with the authors and researchers of the report entitled "License to Rape", published by the Shan Human Rights Foundation and the Shan Women's Action Network in May 2002. Furthermore, a number of interviews were organized with victims of, and witnesses to, rape incidents.

42. For recent arrivals from Shan State, three different locations were chosen: Pieng Luang, Fang, and Mae Fah Luang. New arrivals from Kayin State were also interviewed in three places: opposite Ler Per Hur in a small village, Mae La (near Mae Sod) and Nu Po (near Umphang) camps. Because of the heavy rain and bad road conditions, no interviews could be done in Mae Ra Ma Luang and Mae Khong Kha camps. Kayah recent arrivals were all interviewed in Kayah Refugee Camp 2 in Mae Hong Son province. All Mon interviews were conducted in Mahachai, an area south of Bangkok.

43. Interviews and related research activities were conducted according to United Nations methods and standards. During those interviews, no other persons were present in the room, apart from a witness, a translator and a researcher. In rape cases, a female counsellor was also present. Witnesses were selected in cooperation with the translator and local organizations. Selection criteria included that witnesses arrived in Thailand no more than one year ago, came from different geographical areas and suffered different abuses. Apart from that, instructions were also given to ensure a fair gender, ethnic and religious balance in selecting the candidates.

44. The research documented widespread human rights abuses such as forced labour, arbitrary taxation and extortion, forced relocations, torture, rape and extrajudicial executions. Most of the abuses were allegedly committed by the Tatmadaw (Myanmar army) in the context of counter-insurgency operations against the Karen National Union (KNU) in Kayin State and Tanintharyi Division, the Shan State Army South in Shan State, and the Karenni National Progressive Party in Kayah State. In Mon State, human rights violations decreased after the main Mon armed opposition group, the New Mon State Party (NMSP), signed a ceasefire agreement with the Government in 1995. However, small-scale fighting resumed after a number of break-away groups from the NMSP took up arms again.

45. Main findings of the research (which cover the period until 15 November 2002) indicate the following patterns of human rights violations (presented below in the form of a summary in view of space limitations):

Forced relocations

46. In 2001 and 2002, there were no more reports of massive relocations in Shan and Kayah States on the same scale as those during 1996-1998. The forced relocations documented mainly took place in the south-east of Shan State (by the Tatmadaw and the United Wa State Army (UWSA)) and in Kayin State (by the Tatmadaw, and in some cases by the Democratic Karen Buddhist Army (DKBA), a break-away group from KNU). There were no reports of new mass relocations in other parts of Shan or Kayah States, mainly because most areas where armed

opposition groups were active at that time had already been relocated in previous years.

47. The forced relocations in the south-east of Shan State by the SPDC and the UWSA forces were reportedly directly related to a relocation programme of the UWSA to move down hundreds of Wa villagers from Wa regions down to the Thai border. Shan, Lahu and Akha villagers were often simply told that their land was confiscated and that they had to leave their houses.

48. The forced relocations in Kayin State were part of a campaign by the Tatmadaw against KNU to cut the link between the population and KNU and thus deny them any form of support from the local community. People were told by the Tatmadaw units that they had to move to another village within a few days. Often they were threatened that they would be shot if they refused to leave. The deserted villages were mostly burned down. Villagers who were discovered hiding in the jungle after a relocation order had their possessions destroyed, including all their food, to deny them the possibility to survive there.

49. Some forced relocations reportedly took place in Mon State, where villagers were forced to move closer to a road, or closer to a village centre.

Confiscation of land and property

50. The confiscation of land and property was another recurrent abuse. It was alleged that often the Tatmadaw units entering villages would just take whatever they wanted. None of the persons interviewed declared having received any compensation for the loss of land or property. Confiscation of property often went hand in hand with forced relocations. Some people had left because they had felt intimidated by large numbers of Wa people moving into their areas.

51. The main reason for this practice by the Tatmadaw would seem to be to deny people the possibility to survive in areas where they thought armed opposition groups were active. A number of people who had been forcibly relocated earlier said that they had stayed in hiding in the jungle until the Tatmadaw was gone. After that, they had built new houses and were able to survive there for a while, but when the Tatmadaw returned and again destroyed their houses and food, they had had no choice but to leave. These abuses seem to be related to the fact that the Tatmadaw units in the field lacked logistical support from their command. This could have led to an increase in the confiscation of land and property of villagers.

Forced labour and portering

52. Almost all of the interviewed persons had had to do forced labour for the Tatmadaw in 2002. The only exceptions were internally displaced persons, who had been living in hiding and thus managed to avoid the Tatmadaw troops. Forced labour demands had been especially high in villages near the Tatmadaw bases, in relocation sites and in villages located near a road. None of the persons interviewed had received payment for their work. Most of them had had to come and work at military camps of the Tatmadaw. Villagers had had to cut wood and bamboo and bring this to the camp. There they had had to build and repair barracks, make fences, dig trenches around the camp and build bunkers. Often, they had also had to provide water and firewood to the military camps on a regular basis. Many of them had had to perform forced labour at least once a month for a period of one to five days.

53. Those who had served as porters testified that they had had to carry loads consisting of food and rations, cooking utensils and clothes, but also arms and ammunition. Most of them complained that the loads were too heavy and that they had been given insufficient food and had received no medical help for injuries. Many porters had been beaten and kicked by soldiers because they could not keep up with the rest. Porters included men and women, even pregnant women in one case, or old persons. Some of the interviewees could not even remember how many times they had had to do portering. Many had had to go once a month, varying from 1-2 days to 10-15 days. In some cases, they had done periods of 1-2 months. Many of them complained that because they had had to do portering so often they had not had enough time to work in their fields or make a living.

54. Most of those ex-porters had either been caught in their villages or in their fields and forced to go with the Tatmadaw soldiers. In other cases, porters had been organized by a village headman, who, in turn, had been ordered by the Tatmadaw soldiers to provide a certain number of porters. In some cases, people could avoid portering by paying a fee, but many of them were poor and could not afford the fee.

55. In some cases, the Tatmadaw used prison convicts as porters. In an operation in Kayah State, for instance, the Tatmadaw had used 75 prisoners as porters on a patrol towards the Thai border, of whom five had been beaten to death because they could not continue carrying heavy loads.

Torture, arbitrary detention and extrajudicial killings or executions

56. The research also revealed cases of torture and arbitrary detention. There are indications that, in some cases, these practices were used as a warning to other people to make them follow orders of the Tatmadaw. In most other cases, people were tortured because they were accused of being supporters of insurgent groups. To cite one example, a 50-year-old Kayin man from Kawkareik Township in Kayin State said that four Kayin villagers had been accused of being Karen National Union soldiers. All the villagers had been called to see how the four men had been tied up and tortured (hit on their heads, even when they were bleeding; suffocated with a plastic sheet) at a place outside the village. The man said that the villagers had come because the Tatmadaw soldiers had told them to come. After seven days of such treatment, the four men had been taken to the military camp and never seen again. The man thought they had been executed. He said that they were only simple villagers. The incident reportedly took place in May 2002 [case 108].

57. The research documented a large number of extrajudicial executions committed by Tatmadaw units in 2002. The majority of those cases involved internally displaced persons who had been shot after they had been discovered by Tatmadaw soldiers. The worst cases, involving groups of individuals, took place in Shan and Kayin States. Some of the interviewed persons had testified regarding killings in Shan State at the beginning of the mass relocation programme in 1996-1997.

Rape

58. All documented cases of rape had reportedly been committed by the Tatmadaw soldiers. In most cases, victims could not identify a name or rank of perpetrators, or their unit number. In some cases, victims knew where the perpetrators were based. Information about names, ranks and unit numbers was mostly compiled afterwards

with the help of other sources. Testimonies were received about 16 rape incidents, involving 25 women (19 Shan, 1 Akha, 1 Palaung and 4 Kayin women). Eight of these cases had taken place in 2002. In addition, one Shan girl testified that she had been forced to marry a Tatmadaw soldier. In seven cases (two of which had taken place in 2002), a source of information was a victim herself. In the remaining cases, the information came from friends or relatives. In some cases, people from another village had heard about the rape from the victims. There were eight cases in which a victim had been raped by more than one soldier.

59. In most of these cases, the victims had allegedly been captured by a group of Myanmar soldiers while they were working alone on their farms. In some cases, they had been caught, for instance, while taking a bath; in others, women had been caught in their own village when the Tatmadaw troops had arrived and all the men had run away. In two separate cases, a young girl had been raped at an army base. In one case, a girl had been taken while she was doing forced labour and, in another, a young girl had been arrested together with 12 other villagers, all men, who had later been killed.

Arbitrary taxation and extortion

60. Among the interviewed persons were those who had been subjected to arbitrary taxation by the Myanmar army. Reasons for levying taxes were various, for instance, for passage through fields outside their villages, for road repair, for a state school, for patrolling their villages, a porter tax, a "rice quota" (now abolished), etc. For example, a Mon man from Myaik Mayaw Township in Mon State said that he had had to pay different taxes. A porter tax was 150 kyats per month. He had had to pay taxes for road repairing which would range from 2,000 and 5,000 kyats on one occasion. He said that these abuses had been committed not only by Myanmar soldiers, but also by a village headman and his secretary — both Mon as well — who would collect money and sometimes even beat and kick the villagers. In 2002, the man had also had to pay a tax to NMSP [case 115].

Use of landmines

61. The research revealed that all parties to the conflict used landmines. Some persons testified regarding the use of landmines by the Tatmadaw, among others, to protect their camp. A number of interviewees gave testimonies about the use of landmines by armed opposition groups, mainly to protect their small bases along the Thai border.

Violations by other armed groups

62. The research showed evidence of human rights abuses committed by armed opposition groups. Apart from abuses perpetrated by groups with official or unofficial agreement with Myanmar authorities, such as UWSA and DKBA, other armed groups, such as KNU, KNPP, Shan State Army South and NMSP, had also been involved in abuses against the civilian population. The abuses had taken place on both sides of the border.

63. The Special Rapporteur is aware that the findings of this research are based only on primary information collected in Thailand. As he has repeatedly stated to SPDC, the need for an assessment inside Myanmar is evident for rigorous and precise evaluation of the responsibility for the alleged violations of human rights in

ethnic minority areas. The assessment would have permitted him to visit areas referred to in the research and to hear from local communities, military authorities and Government about the alleged violations. Regrettably, this has not been enabled by SPDC. The Special Rapporteur hopes that the proposed independent assessment, should it eventually take place, will help to establish the truth.

V. Concluding observations and recommendations

64. The Special Rapporteur's conclusions and recommendations given in earlier sections of the present report, as well as his previous reports (E/CN.4/2003/41 and E/CN.4/2002/45), remain valid in view of the prevailing situation in Myanmar.

65. As the Special Rapporteur noted during his speech at the last session of the Commission on Human Rights, there had been some positive steps in the area of confidence-building with the international community, such as a visit to Myanmar by Amnesty International, human rights cooperation with the Government of Australia, promises to facilitate the operational environment of international non-governmental organizations working in Myanmar, cooperation with the International Committee of the Red Cross and United Nations agencies, notably with the Office of the United Nations High Commissioner for Refugees in Rakhine State with regard to the Muslim population, with the Office on Drugs and Crime of the Secretariat on drugs, with the Joint United Nations Programme on HIV/AIDS (UNAIDS) on fighting HIV/AIDS. However, these initiatives are no substitute for real advancement on substantial human rights issues where, instead of progress, there has been a serious setback. Without an immediate and concrete commitment of the Government to suggest otherwise, the "home grown" national reconciliation process begun in 2000 is now arguably, dangerously damaged. Without genuine progress towards national reconciliation there can be no real improvement in the human rights situation in Myanmar.

66. The Special Rapporteur sadly concludes that the grave events of 30 May and thereafter cast a dark shadow on the political and human rights developments that had been taking place since his appointment to this mandate in December 2000. Of course, nothing in politics is definitive and life is continually moving ahead and changing. However, in his view, which is shared by the Special Envoy of the Secretary-General, the rupture of the process of dialogue with the National League for Democracy in such a violent way has spoilt all the progress achieved in confidence-building and has shattered people's hope for political transition. This is a most unfortunate development: as the Secretary-General noted in a 2 June 2003 statement,[1] the people of Myanmar are "overwhelmingly in favour of change" and deserve to experience the same economic, social and political benefits as the peoples in the rest of South-East Asia. This has also wasted all the efforts that had been put into encouragement and support for the process of national reconciliation by the international community, in particular the United Nations. The saddest yet perhaps most predictable consequence is that by keeping Daw Aung San Suu Kyi in detention, the State Peace and Development Council (SPDC) has completely paralysed the opposition movement that greatly depends on her leadership. It has effectively adjourned until an unforeseeable date the start of

the political transition to democracy that it had repeatedly promised to its people and to the international community. This posture has led to the freezing of diverse possibilities for cooperation with concerned States and international institutions, which had been ready to cooperate with Myanmar in the normalization of political and economic life. Thereby, SPDC has put at serious risk the process of addressing urgently the existing precarious humanitarian situation, with all potential ramifications for the exercise of all human rights.

67. **The Special Rapporteur is firmly convinced that if SPDC wishes to renew its commitment to the process of political transition, it must start by immediately and unconditionally releasing Daw Aung San Suu Kyi, together with others detained in connection with the 30 May incident, as well as all other remaining political prisoners. This is the order of the hour. Those responsible for the 30 May violence must be held accountable.**

68. **Daw Aung San Suu Kyi has made it clear that there will be no solution to the challenges which the Myanmar society faces without the participation of all sectors of society, including the Tatmadaw. The same is true for the National League for Democracy (NLD). There is no normalization of political life in the country nor any prospect of an effective political transition and democratization without its participation. The Special Rapporteur would like to stress that, by keeping Daw Aung San Suu Kyi prisoners and making accusations against her without any clear evidence, SPDC is hurting their necessary partnership in a future process of transition. The Special Rapporteur strongly recommends that SPDC return to dialogue with NLD and other political forces in the country, so that the Myanmar people can find solutions for the immense challenges ahead.**

69. **The Special Rapporteur hopes that SPDC will consider positively his request for an urgent visit to Myanmar to assess the post-30 May situation first-hand. If SPDC does not accept this request, or is unable to come forward with an accurate detailed explanation about the events, while at the same time releasing all political prisoners and reopening the dialogue, the Special Rapporteur will be ready to support a recommendation that the situation in Myanmar be brought to the attention of other instances in the United Nations. He is convinced that the continuation of the present stalemate is a serious obstacle to the improvement in human rights of all people in Myanmar. In his view, the current SPDC course of political repression and interruption of dialogue is not in its own interests and would surely further exacerbate the terrible suffering of the people of Myanmar, who have made clear their overwhelming desire for, and have thus far been denied the benefits of, positive change.**

Notes

[1] UNIC/PressRelease/87-2003.

Annex I

List of persons interviewed by the Special Rapporteur during his visit to Insein prison

1. Ma Than Thay
2. Ma San San Maw
3. Ma Aye Yi Htay (incomplete)
4. Dr. May Win Myint
5. Sai Nyunt Lwin
6. Thet Naung Soe (incomplete)
7. U Thu Wai
8. Salai Tun Than
9. U Toe Po
10. Saw Naing Naing (incomplete)

Annex II

Independent assessment of allegations of human rights violations in Shan State by the Special Rapporteur on the situation of human rights in Myanmar

Draft modalities

Purpose

1. The purpose of the assessment will be to establish the truth about allegations of human rights violations in Shan State of Myanmar. The assessment will be of a fact-finding nature.

Focus

2. The assessment will seek to verify allegations of human rights violations against the civilian populations in Shan State by the armed forces and armed opposition groups operating in these areas, including allegations of violence against women, and establish facts, or credible evidence, about possible violations, their nature, root causes, mechanisms of production and responsibilities.

Geographic and temporal scopes

3. The assessment will mainly focus on the eastern and central areas of Shan State from where most of the allegations have been originating. Precise locations will be determined during the assessment.

4. The assessment will cover the period from the beginning of the functions of the Special Rapporteur (January 2001) up to the present, taking into account past events which are relevant to the present contextual circumstances.

Duration

5. The assessment will be conducted over a period of four weeks inside Myanmar in November 2003.

Composition of the independent assessment team

6. The independent assessment team will comprise five researchers, one liaison or logistics officer, five interpreters and two secretaries. All team members will be identified and recruited by the Special Rapporteur on the basis of criteria of proven professional experience, competence, gender balance, independence, impartiality, integrity and discretion.

7. A liaison or logistics officer will liaise with authorities, Office of the United Nations High Commissioner for Human Rights headquarters and resident United Nations colleagues, as necessary, and deal with logistical aspects of the mission.

Methodology and modus operandi

8. The team will be guided by, and strictly adhere to, the principles of fairness, independence, impartiality and objectivity. The proceedings will be guided by United Nations methodological standards applicable to international fact-finding

activities, inter alia, the standard terms of reference for fact-finding missions by special rapporteur/representatives of the Commission on Human Rights (see E/CN.4/1998/45). Accordingly, the team members will be provided with full and unhindered access to all places relevant to the assessment. This may include villages, military camps and local detention facilities in these camps or outside them. Similarly, they will be granted free and unhindered access to all persons they wish to interview. It will also meet military officials concerned in the region.

9. The independent assessment team will be based in the most convenient localities in order to facilitate travelling and coordination. The precise locations will be determined at a later stage. From there the teams will be deployed in various localities relevant to their work.

10. Team members will be prepared to travel extensively by four-wheel drive vehicles wherever usable car tracts or roads exist, and sometimes by foot, to reach remote areas. They will be prepared to spend nights in villages where lodging and bathing facilities and food and water access may be rudimentary.

11. To ensure full independence and mobility of the team, especially given the landscape of areas to be covered by the assessment, travel by air will be necessary, for which arrangements will have to be made for hiring an aircraft (a small aircraft with few seats (similar to one hired by the high-level team of the International Labour Organization) or a helicopter, with preference for the latter, given its greater mobility).

12. Wherever such air travel may be necessary, the team will give prior notice to the local authorities. Other destinations requiring road travel or walking will be arranged locally and will not require prior notice, except if motivated by reasonable security concerns.

13. Prior briefings of local officials or villagers, intimidation to deter them from cooperating with the team, production of fake witnesses or testimonies, or other forms of negative intervention should be avoided.

Confidentiality

14. Strict respect for the confidentiality of the proceedings and the information collected will be a key element of the success of the assessment. It will be equally binding on the team and the Myanmar authorities. Interviews with all sources of information will be confidential, with no one else present during the interviews, other than the relevant members of the team. The identification and selection of the persons to be interviewed will be the exclusive prerogative of the Special Rapporteur, who will also decide the modalities of the interviews.

15. Any hindrance and interference in the proceedings for the purpose of preventing the independent assessment team from accessing locations or sources of information relevant to its work, or aimed at preventing, deterring or discouraging persons from cooperating with the assessment, or that breaches confidentiality, will result in the immediate interruption of the assessment, the lodging of an official complaint with the Government, and possibly, the cancellation of the mission.

16. Following the assessment and the submission of its findings to the Government and the Commission on Human Rights, the Special Rapporteur will undertake a post-assessment mission to return to the locations where the assessment was carried

out to verify that all the persons who cooperated with the assessment are safe and were not subsequently subjected to harassment, intimidation or reprisals. This post-assessment is part of the witness protection methodology developed by the United Nations in the context of fact-finding missions and may coincide with the Special Rapporteur's next mission in February 2004.

Reporting

17. Internal: the independent assessment team will be answerable and report only to the Special Rapporteur. IAT members will not share their findings with outside parties nor will they be authorized to speak to the media. Their devoir de reserve vis-à-vis the sources and the information they collect during their work will continue after the completion of the assessment. The Special Rapporteur is the only spokesperson of the assessment.

18. To the Government: upon completion of the assessment, the Special Rapporteur will prepare a report describing his findings and proposing recommendations that may be considered for addressing issues relating to human rights protection in Shan State. The draft report will be submitted to the Government for comments. As with his other reports, the Special Rapporteur will be the sole author of this report and will take full responsibility for its contents.

19. To the Commission on Human Rights: the Special Rapporteur will decide when and how the report will be submitted to the Commission on Human Rights.

Security arrangements

20. It is the responsibility of the host Government to ensure the protection of the independent assessment team and its proceedings. A security briefing will be held with relevant Myanmar authorities at the outset of the mission. Security concerns should not be unnecessarily abusively invoked to restrain the freedom of movement and research of the team. While security conditions must be taken into account, they should be balanced against the requirements of the mission. The liaison/logistics officer will assess security conditions in close cooperation with local military and other authorities.

21. The assessment will be conducted in the same spirit of openness, dialogue, cooperation and transparency that has characterized the missions of the Special Rapporteur in Myanmar.

United Nations A/58/220

General Assembly

Distr.: General
6 August 2003

Original: English

Fifty-eighth session
Item 131 of the provisional agenda*
Joint Inspection Unit

Implementation of the recommendations of the Joint Inspection Unit

Report of the Secretary-General**

Summary

The present report is submitted to the General Assembly pursuant to its resolutions 32/199 of 21 December 1977, 37/124 of 17 December 1982, 44/184 of 19 December 1989 and 48/221 of 23 December 1993. It contains information on the implementation of the recommendations contained in three reports of the Joint Inspection Unit, on Strengthening the United Nations system capacity for conflict prevention (A/50/853); sharing responsibilities in peacekeeping: the United Nations and regional organizations (A/50/571); and travel in the United Nations: issues of efficiency and cost savings (A/50/692).

The report shows that the Secretary-General and executive heads of organizations of the United Nations system continue to give priority to implementation of the approved recommendations of the Joint Inspection Unit. Furthermore, where the reports of the Unit have been considered under other agenda items without specific reference made to the recommendations contained in them, the Secretary-General has proceeded to implement those recommendations which would result in improvements in the management of the resources and operations of the United Nations system. In all the cases under review there have been significant developments since the issuance and consideration of the Unit's reports by the various legislative bodies.

* A/58/150.

** The present report is being submitted after the deadline owing to the need for extensive consultation with the various departments and offices that contributed to its contents.

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I. Introduction

1. The present report is submitted pursuant to a series of long-standing resolutions of the General Assembly in which the Assembly has requested the Secretary-General to submit to it an annual report on the implementation of the major recommendations of the Joint Inspection Unit (JIU). In subparagraph (d) of its decision of 20 November 1975, the Assembly requested the Secretary-General to give priority to the implementation of the recommendations of the Unit approved by legislative bodies and to provide adequate information thereon in his annual reports. The Assembly reiterated that request in its resolutions 32/199 of 21 December 1977, 37/124 of 17 December 1982, 39/242 of 18 December 1984 and 48/221 of 23 December 1993.

2. The Secretary-General's report was intended to complement the efforts of JIU as stipulated in General Assembly resolutions 42/218 of 21 December 1987, 44/184 of 19 December 1989, 45/237 of 21 December 1990, 48/221 and 54/16 of 29 October 1999, in which the Assembly requested the Unit to include in its annual report a section on its findings regarding the implementation of its recommendations and to coordinate its efforts with the Secretariat in order to submit to the Assembly the maximum possible information on the implementation of the Unit's recommendations.

3. As a large number of JIU recommendations are addressed to the legislative bodies and executive heads of various organizations of the United Nations system for action, the process of compiling a review of the status of implementation of recommendations contained in the reports becomes unavoidable and necessitates system-wide updates on the implementation of each recommendation relevant to the respective organizations of the system. Consequently, some organizations continue to question the rationale for reporting to the General Assembly on the implementation of those recommendations pertaining to their organizations.

4. In its report to the General Assembly at its fifty-second session,[1] the Joint Inspection Unit proposed a detailed follow-up system in which the Unit would include in its report information and analysis on the implementation of its recommendations and their impact. The Assembly endorsed that proposal in its resolution 54/16.

5. In view of those developments, the continued preparation of the report by the Secretary-General, in addition to the ongoing efforts of JIU in reporting on the implementation of its recommendations through its own follow-up mechanism, is likely to create duplication, as the reports include essentially similar information. It is therefore necessary to streamline and simplify the process and to consolidate all reporting within the framework of the Unit's follow-up mechanism. That would eliminate wasteful and duplicative efforts by reducing the number of overlapping reports and introducing a more systematic approach to monitoring and reporting on the implementation of JIU recommendations while at the same time providing Member States with comprehensive and timely information.

6. The organizations of the United Nations system report to their respective legislative bodies on follow-up to the recommendations of JIU on the basis of their respective decisions. Accordingly, the present report addresses only the comments by the United Nations and its funds and programmes on follow-up to the JIU reports on strengthening the United Nations system capacity for conflict prevention

(A/50/853); sharing responsibilities in peacekeeping: the United Nations and regional organizations (A/50/571); and travel in the United Nations: issues of efficiency and cost savings (A/50/692).

II. Strengthening the United Nations system capacity for conflict prevention

7. The comments below pertain to the recommendations contained in the JIU report entitled "Strengthening of the United Nations system capacity for conflict prevention" (A/50/853). The comments by the Secretary-General and that of the Administrative Committee on Coordination[2] on the report are contained in the note by the Secretary-General of 24 June 1997 (A/52/184).

8. The issue of conflict prevention has featured prominently on the agenda of both the General Assembly and the Security-Council in recent years. In the Secretary-General's reports of 7 June 2001 (A/55/985-S/2001/574 and Corr.1) and 5 November 2002 (A/57/588-S/2002/1269) the issue received in-depth consideration by both legislative bodies and in both reports, prevention of armed conflict is considered central to the mandate of the United Nations in maintaining international peace and security, underscoring the imperative for the prevention of potential conflicts from violent outbreak not only for long-term security but also as an essential prerequisite for sustainable development. Since the issuance of the JIU report in 1995 (A/50/853), major developments have taken place in the area of conflict prevention and the recommendations of JIU have in many cases been implemented system-wide. Those developments are discussed in detail below under each recommendation.

Recommendation 1

Within the context of strengthening the functions of the main organs of the United Nations in conflict prevention, the General Assembly may wish to consider such ideas as:

(a) Identifying practical ways and means of involving the General Assembly in preventive diplomacy;

(b) Instituting regular meetings of the Security Council to review conflict-prone situations;

(c) Determining how the Economic and Social Council might contribute to better anticipation of economic and social problems likely to result in a crisis and develop strategies to deal with economic and social causes of conflicts;

(d) Creating an ad hoc working group or a small committee on conflict prevention, composed of members of the Security Council and the Economic and Social Council, in order to facilitate handling of potential crises in a comprehensive manner; and

(e) Using the International Court of Justice in the peaceful settlement of disputes, including the so-called "chambers" jurisdiction or informal mediation by the Court.

9. In his report on the prevention of armed conflict of 7 June 2001 (A/55/985-S/2001/574 and Corr.1), the Secretary-General proposed measures similar to those listed in the above recommendation. For instance, in relation to subparagraph (a) above, the Secretary-General proposed in his recommendations 1 and 2 that the General Assembly consider a more active use of its powers, in accordance with Articles 10, 11 and 14 of the Charter of the United Nations, in the prevention of armed conflict and consider ways of enhancing its interaction with the Security Council on conflict prevention, in particular in developing long-term conflict prevention and peace-building strategies. In relation to subparagraph (b), the Secretary-General proposed in his recommendation 3 that the Security Council consider innovative mechanisms, such as establishing a subsidiary organ, an ad hoc informal working group or other informal technical arrangements to discuss prevention cases on a continuing basis. In relation to subparagraph (c) the Secretary-General proposed in his recommendation 4 that a future high-level segment of the annual substantive session of the Economic and Social Council be devoted to the question of addressing the root causes of conflict and the role of development in promoting long-term conflict prevention. In relation to subparagraph (d), the Secretary-General proposed in his recommendations 5 and 6 that Member States resort to the International Court of Justice earlier and more often to settle their disputes in a peaceful manner and to promote the rule of law in international relations and that Member States accept the general jurisdiction of the Court. On 3 July 2003, the General Assembly adopted resolution 57/337, on the prevention of armed conflict, which deals with most aspects of the recommendation of the Joint Inspection Unit.

Recommendation 2

Member States may wish to consider attaching a higher priority to preventive diplomacy and allocating increased resources to this function, inter alia, through shifting resources from low-priority areas.

10. The Secretary-General concurs with the recommendation and has voiced similar sentiments in his two reports (A/55/985-S/2001/574 and Corr.1 and A/57/588-S/2002/1269). He has indicated that conflict prevention is one of the primary obligations of Member States as set forth in the Charter and that the primary responsibility for conflict prevention rests with national Governments. Since 1997, conflict prevention has become a more important topical issue within the United Nations system and among Member States. The Security Council debated the issue in 1998, 1999 and after the issuance of the Secretary-General's 2002 report on the prevention of armed conflict (A/57/588-S/2002/1269). Statements have been made by the President of the Council (S/PRST/1999/34 and S/PRST/2000/25) and the Council has passed a resolution on the prevention of armed conflict (1366 (2001)). The General Assembly has also discussed the matter very intensively since the issuance of the Secretary-General's reports and has adopted resolution 55/281 in that connection.

11. In his 2001 report on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1), the Secretary-General also noted that the Secretariat has no specialized staff in the regional divisions of the Department of Political Affairs or other units mandated to focus on conflict prevention activities on a full-time basis. As the culture of prevention gradually becomes more accepted, it is essential that the Secretariat be given an effective capacity for conflict prevention, including the

capacity to analyse systematically successful and unsuccessful preventive efforts and to apply them to the design of future prevention strategies. The question of additional resources for such activities is also being discussed by the General Assembly.

Recommendation 3

To provide for a more sharpened focus on preventive diplomacy, and more effective fulfilment by the Department of Political Affairs of the relevant tasks, and subject to the increase in the Department's resources as suggested in recommendation 2 above, the Secretary-General may wish to undertake the necessary structural refinement of the Department, including, as an option, the setting up of a specific conflict prevention unit, as appropriate. Major functions of the Department of Political Affairs thus strengthened in the area of preventive diplomacy would be:

(a) Carrying out an action-oriented analysis of situations that could possibly degrade into conflict by consolidating internal and external information;

(b) Proposing to the Secretary-General appropriate actions with a streamlined channel of communication (access) to facilitate early action;

(c) Assisting the Secretary-General in carrying out preventive diplomacy actions (such as fact-finding, mediation and good offices missions) decided by him and/or mandated by the Security Council;

(d) Providing secretariat services to the Security Council on preventive diplomacy issues; and

(e) Serving as a "core" for small field missions, if and when necessary.

12. The thrust of JIU recommendation 3 has been noted. However, the Department of Political Affairs has not established a specific conflict prevention unit as proposed. In 1998, the Department set up the Policy Planning Unit, which has been responsible for the coordination of a number of activities referred to in the recommendation by working closely with other departments, offices and United Nations agencies, inter alia, in the area of conflict prevention. In 1998, the Department also established a specialized Conflict Prevention Team, which meets once a month and provides an intra-departmental forum for the development of prevention action options.

Recommendation 4

As a supplement to the measures to be taken at headquarters levels, the Secretary-General may wish to consider setting up, when necessary and feasible, in the United Nations regional centres (venues of the regional commissions), small preventive diplomacy teams. These teams would assess the evolution of situations that could possibly degrade into conflicts and recommend appropriate measures to/or through the Department of Political Affairs. As necessary and in accordance with instructions from United Nations Headquarters, they would undertake appropriate actions, including establishing links with respective Governments, parties, factions and groups involved in order to defuse or head off conflicts. The teams

should be assisted by special representatives of the Secretary-General (political issues) and United Nations resident coordinators serving in countries of the respective regions (economic, social and humanitarian issues), as well as by the regional commissions and other United Nations offices as appropriate.

13. JIU recommendation 4 has been implemented in principle. Although the United Nations does not have "small preventive diplomacy teams" in United Nations regional centres, the interdepartmental Framework for Coordination was established in 1994 to strengthen planning and coordination among peacekeeping, humanitarian and political functions and it became oriented towards early warning and preventive action in 1998. In accordance with General Assembly resolution 51/242 of 15 September 1997, the Framework for Coordination has undergone constant development and improvement and is now becoming an important mechanism for early formulation of preventive strategies within the United Nations system.

14. Furthermore, at the country level, the United Nations country team, led by the United Nations resident coordinator and in close cooperation with Governments, participates in an interdisciplinary process to develop the common country assessment. The common country assessment analyses the national developmental situation and identifies key issues as a basis for advocacy and policy dialogue within the United Nations system. It addresses national priorities and challenges, as well as regional concerns and initiatives and leads directly to the United Nations Development Assistance Framework, which constitutes the framework for planning the programmes that are the elements of a coherent United Nations strategy for development assistance at the country level. The two processes allow for key risk factors and prevention issues to be taken into consideration at an early stage in the programme cycle to promote common objectives and strategies of cooperation.

Recommendation 5

The humanitarian early warning system (HEWS) of the Department of Humanitarian Affairs may constitute the core of a consolidated United Nations early warning capacity, which should be placed by the Secretary-General in the Department of Political Affairs to serve as an "analytical support and assessment system" of the preventive diplomacy activities described in recommendation 3. [It is understood that HEWS in new locations can also function for humanitarian early warning purposes, to which reference is made in a new JIU report on the involvement of the United Nations system in providing and coordinating humanitarian assistance.] After relocation of HEWS to the Department of Political Affairs, the possibility of financing the system from the regular budget should be considered, having in mind recommendation 2.

15. The issue highlighted in JIU recommendation 5 has been overtaken by two main events concerning the humanitarian early warning system (HEWS). Firstly, the increasing availability of information and analysis on the World Wide Web after 1997 has meant that the useful information collection and compilation function that HEWS originally served became redundant and was therefore subsequently terminated. Secondly, the process and mechanisms for early warning in the United Nations evolved into a system-wide collaborative approach facilitated by the interdepartmental and inter-agency Framework for Coordination, which in 2001 endorsed an early warning methodology developed in consultation with relevant

departments of the Secretariat and United Nations programmes and operational agencies. Relevant United Nations country teams are also involved in analysis and in formulating recommendations.

Recommendation 6

The Secretary-General should ensure that reporting to Headquarters on the country situation (potential/imminent problems) by the field offices of the United Nations operational agencies (United Nations Development Programme, United Nations Children's Fund, Office of the United Nations High Commissioner for Refugees, etc.), as well as by United Nations information centres and the field missions of United Nations departments/offices (Department of Political Affairs, Department of Humanitarian Affairs, Department of Peacekeeping Operations, Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights), is regularized and the relevant information and analysis is channelled systematically to the Department of Political Affairs. In this connection, availability of online computer facilities with compatible hardware and software as well as a standardized format of reporting would expedite the necessary processing. Furthermore, it is important to have close coordination and cooperation among departments/agencies and to come up with preliminary field-level judgements on situations in a given spot, through continuous monitoring.

16. The proposals contained in JIU recommendation 6 are still being implemented. As indicated above in response to recommendations 3 and 4 (see paras. 12-14), the Department of Political Affairs is coordinating many activities related to conflict prevention with other departments, offices and agencies of the United Nations system. This is being done through the interdepartmental Framework for Coordination and the common country assessment and United Nations Development Assistance Framework processes.

Recommendation 7

Member States, United Nations specialized agencies, regional organizations, non-governmental organizations and other sources such as academic and research institutions should also be invited to provide relevant information and analysis to the Department of Political Affairs.

17. JIU recommendation 7 has been implemented. Since 1998, several departments, programmes, funds and offices have been participating in the interdepartmental Framework for Coordination, a mechanism designed and oriented towards early warning and conflict prevention. A team of senior representatives from participating United Nations entities exchange information from their respective areas of competence and assess the potential for armed conflict, complex emergencies or other circumstances that may provide a prima facie case for United Nations involvement. Through their participation in the Framework process, desk officers of the Department of Political Affairs gain a better understanding of potential conflicts in their areas of interest. The Department's academic or research partners, such as the Conflict Prevention and Peace Forum and the Conflict Prevention Initiative based at Harvard University, Cambridge, MA, United States of America, offer excellent opportunities to gain wide-based analysis of specific situations of interest to the United Nations. In addition, desk officers maintain

frequent contact with Member States, regional organizations and country experts. In his report on the prevention of armed conflict, the Secretary-General urged non-governmental organizations with an interest in conflict prevention to organize an international conference of local, national and international non-governmental organizations on their role in conflict prevention and future interaction with the United Nations in that field (A/55/985-S/2001/574 and Corr.1, recommendation 27). Through the efforts of a number of civil society partners, a global conference of non-governmental organizations is tentatively scheduled to take place in early 2005.

Recommendation 8

The notion of preventive (pre-conflict) peace-building/"preventive development" must be clearly and fully integrated/incorporated into the substantive as well as operational programmes of the United Nations system as a complement to preventive diplomacy. In this context, the organizations of the United Nations system, individually and collectively, should review existing policies, programmes and programming processes and sharpen the focus on alleviating root causes of conflicts. Special attention should be paid to building indigenous capacity (including the capacity of women and youth) for problem-solving/conflict prevention through enhancement of training programmes in these areas. This could include not only establishment of training/conflict resolution centres at the national and local levels to provide training grounds, but also development of conflict prevention mechanisms by launching, for example, a global pilot project on conflict prevention by drawing a wide participation of women and youth in the peace agenda. Furthermore, within the context of capacity-building, specific sectors should be targeted, which would include judicial and legal structures, institutions and instruments aimed at the protection of minorities and minority cultures, and public service broadcasting.

18. In keeping with the spirit of JIU recommendation 8 and General Assembly resolution 55/281 of 1 August 2001, the Secretary-General requested 42 organs, organizations and bodies of the United Nations system to inform him of the actions taken and/or contemplated by them to implement the recommendations and proposals contained in his report on the prevention of armed conflict. The Secretary-General subsequently submitted a report to the General Assembly (A/57/588/-S/2002/1269) containing the responses received from various entities of the United Nations system. The common country assessment and the United Nations Development Assistance Framework processes discussed above also respond to the concerns raised by recommendation 8.

Recommendation 9

The governing bodies of the United Nations system, particularly those of development agencies, may wish to consider strengthening their respective organizations' programmes and activities addressing root causes of conflicts, thus enhancing the role of these organizations in conflict prevention.

19. Further to the update provided in response to JIU recommendation 8, in September 1998 the United Nations System Staff College inaugurated a project on early warning and preventive measures, which is aimed at building the capacity of

United Nations staff and its partners through training in conflict prevention skills. The training project is still providing regular training for all the staff of the United Nations system, both at Headquarters and in the field. So far over 1,000 United Nations staff worldwide have been trained.

Recommendation 10

Inventories, case-studies and evaluation reports on conflict prevention policies, programmes and projects should be prepared and lessons/success stories be synthesized and disseminated, as appropriate and upon request, to programme countries, donor agencies, United Nations system organizations, regional organizations, financial institutions, non-governmental organizations, parliamentary groups, academic institutions for effective utilization and feedback.

20. In his report on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1), the Secretary-General called on Member States to strengthen the capacity of the Secretariat to systematically analyse successful and unsuccessful preventive efforts and apply them to the design of the future prevention strategies. Although the General Assembly has not yet responded to this recommendation, some initiatives within the United Nations system have been taken towards its implementation.

21. The newly formed Bureau for Crisis Prevention and Recovery of the United Nations Development Programme (UNDP) undertakes both regional and country-level projects to develop capacity through its global knowledge network and by sharing experience, lessons learned and best practices and by timely exchange of information. The Bureau has also carried out a review of UNDP programmes with a view to documenting and analysing lessons learned and best practices in integrating conflict prevention into development assistance activities. In 2001, the Department of Peacekeeping Operations set up its Peacekeeping Best Practices Unit, which is responsible for coordination and evaluation of experience and the lessons learned from United Nations peacekeeping operations. In addition, civil society and academic institutions have also been active. For example, the International Peace Academy has undertaken a cross-cutting project on conflict prevention in collaboration with the Secretariat to help shape policy and action within the United Nations system. Furthermore, the European Centre for Conflict Prevention implements a programme aimed at recording, describing and analysing prevention and peace-building efforts in the main violent conflicts in the world, with a primary focus on civil society actors.

Recommendation 11

In order to enhance United Nations system activities addressing root causes of conflict, the United Nations and specialized agencies should more extensively use the United Nations Volunteers and experienced national officers.

22. JIU recommendation 11 has been implemented to a large extent. The United Nations Volunteers (UNV) have contributed extensively to United Nations activities in addressing root causes of conflict. UNV provides technical cooperation to Governments and supports community-based initiatives in key areas of poverty reduction and governance. In addition, UNV provides expertise in support of humanitarian relief and rehabilitation, advocacy in favour of human rights, electoral assistance and peacekeeping, peace-building and recovery activities. Volunteers

contribute to more cohesive societies by building trust and reciprocity among citizens and serve the causes of peace and development by enhancing opportunities for participation by all people. Since 1971, some 30,000 volunteers have served in about 140 countries, with over 40 per cent currently working in Africa.

Recommendation 12

The Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, should initiate and take the lead in inter-agency discussions on the subject of conflict prevention, to enhance and promote the relevant activities of the United Nations system and coordination thereof.

23. JIU recommendation 12 has been implemented. CEB[2] discussed the theme of the prevention of armed conflict at its meeting of 8 November 2002. The Board's High-Level Committee on Programmes also addressed conflict prevention at two subsequent meetings, in 2002 and 2003, and affirmed that it remained a priority item in its work programme.

Recommendation 13

At the field level, existing programming procedures such as the "country strategy note" could be actively utilized both as a mechanism to identify critical problems, including the degree of a country's vulnerability to potential crisis in a medium- to long-term perspective and as a frame of reference for system-wide coordination and cooperation in addressing problems identified.

24. The United Nations Development Group initiated a joint process aimed at integrating conflict prevention in country analysis and programming through the common country assessment/United Nations Development Assistance Framework, with all members of the Development Group participating in the process. A technical guidance note to all resident coordinators has been drafted, offering technical advice to all operational agencies in the field and to development actors in particular on how best they can introduce a conflict perspective in their analysis of the country development situation by identifying more systematically structural risk factors that impede development and could lead to conflict. The Development Group has also developed measures and strategies that could counteract that risk. Particular attention has been paid to building national capacity for conflict prevention.

Recommendation 14

Closer collaboration between development agencies and humanitarian as well as human rights agencies should be ensured both at the field and at the headquarters level, in order to coordinate activities (programmes) and to optimize the use of the resources available to them.

25. The responses to recommendations 3 and 4 above (paras. 12-14) are also relevant here.

Recommendation 15

To enhance concerted action of the global community — which is an essential requirement to ensure effectiveness of preventive efforts at the international, regional, national and local levels — the United Nations should act as a centre and catalyst of joint efforts, to cultivate an effective division of labour

between all the actors involved (specialized agencies, regional organizations, national institutions, non-governmental organizations, as well as parliamentary groups, academic institutions, etc.), taking into account their knowledge, experiences, potentiality and comparative advantages.

26. As is shown in the Secretary-General's 2001 report on the prevention of armed conflict, the United Nations has indeed become "a centre and catalyst of joint efforts". In addition to elucidating 10 principles that should guide the future approach of the United Nations to conflict prevention, the Secretary-General made 29 recommendations aimed at reinvigorating the Organization's existing efforts and system-wide coordination but also at encouraging civil society, the private sector and regional organizations to make a contribution in that field. Conflict prevention was also a theme of the high-level regional organizations meeting convened by the Secretary-General in July 1998 and has also been discussed at subsequent high-level and working-level meetings.

III. Sharing responsibilities in peacekeeping: the United Nations and regional organizations

27. The JIU report entitled "Sharing responsibilities in peacekeeping: the United Nations and regional organizations" (A/50/571) and the note of the Secretary-General (A/50/571/Add.1) were submitted to the General Assembly under the item entitled "Comprehensive review of the whole question of peacekeeping operations in all their aspects", under which the report of the Special Committee on Peacekeeping Operations (A/51/130 and Corr.1) and the report of the Secretary-General entitled "Renewing the United Nations: A Programme for Reform" (A/53/676) were also considered. In the Assembly's subsequent resolution (resolution 51/136 of 13 December 1996), there was no direct mention of the findings and recommendations contained in the JIU report. Since that time, however, considerable progress has been made and specific steps have been taken towards the practical implementation of cooperation between regional and subregional organizations and the United Nations.

28. The Department of Peacekeeping Operations has continued its exchange of views with several regional arrangements in order to identify areas of possible cooperation in peacekeeping. The Department remains prepared to continue its cooperation with regional organizations in such areas as exchange of information, establishing standards for and assisting in the conduct of peacekeeping training, sharing experience in other peace-related activities and facilitating contacts with those Member States which can provide support in enhancing peacekeeping capacity.

29. The Secretary-General remains of the view that the challenges that exist cannot be met by overarching, large-scale solutions. However, a general policy directive would be a useful tool for the Department. It should be noted that great effort has been made and results have been achieved in that regard. The Department has moved towards greater cooperation and synchronization with several regional organizations with regard to conflict and crisis management. For example, the Department has signed a framework agreement on cooperation in conflict and crisis management with the European Union. The Department continues to pursue closer cooperation with Member States and regional organizations in order to explore ways to identify adequate modalities for cooperation. At the same time, it will continue to use existing cooperative relationships with regional partners.

Recommendation 1

(a) To prepare and present for consideration by the General Assembly a comprehensive strategic programme of cooperation with regional organizations in peacekeeping and other peace-related activities;

(b) In order to coordinate the practical implementation of such a programme, a small unit with a clearing house function should be established to serve as a focal point to deal with and respond to queries of Member States and regional organizations;

(c) The three departments directly involved in peacekeeping (Department of Peacekeeping Operations, Department of Political Affairs, Department of Humanitarian Affairs) should develop mechanisms, for example, a project team for each conflict area, in order to increase interaction at the working level with regional organizations;

(d) The United Nations development system in general, and humanitarian organizations in particular, should be encouraged by their respective governing bodies to contribute to promoting and strengthening national policies and structures of peaceful governance as an indispensable adjunct to regional arrangements for peace and security.

30. The comments of the Secretary-General contained in his note of 8 July 1996 (A/50/571/Add.1) remain valid. Generally, agreed upon principles should be and are being developed, but the preferred method for coordination should reflect the specific needs of a given situation and the complex nature of peacekeeping today. The Department of Peacekeeping Operations responded to the task of identifying modalities for cooperation by publishing "Suggested principles and mechanisms for cooperation between the United Nations and regional organizations/arrangements in a peacekeeping environment" in March 1999. In the meantime, much progress has been achieved in improving cooperation between the United Nations and regional organizations in peacekeeping.

31. With regard to the issue of establishment of a unit with a clearing house function, the Department of Peacekeeping Operations has appointed focal points and has made specific efforts to develop interaction and cooperation with the regional organizations concerned. The other mechanisms suggested have been established. In that regard, it should be noted by way of example that a United Nations interdepartmental task force has been created to respond to the request from the African Union for assistance in developing and rendering operational the peace and security capacity of the Union. In that connection, the Department and other relevant departments have sent experts to African Union headquarters to provide technical advice.

Recommendation 2

(a) Conclusion of bilateral framework agreements between the United Nations and regional organizations concerning practical aspects of peacekeeping and other peace-related activities;

(b) Creation of a mechanism for cooperation between the United Nations and regional organizations.

32. The thrust of the Secretary-General's response contained in his note of 8 July 1996 (A/50/571/Add.1) remains valid and the development of such framework

agreements could become an exercise in abstraction. The Department of Peacekeeping Operations is currently considering ways of further developing relations with regional partners without compromising the flexibility required to make the relationships effective. With regard to the periodicity of meetings, the Department has found it more constructive to maintain a flexible approach and to meet when necessary.

33. Some more recent developments worth mentioning include new and ongoing initiatives implemented with the African Union and the Economic Community of West African States. These constitute an integral aspect of the work of United Nations peacekeeping operations, for example, in the Democratic Republic of the Congo, Eritrea, Ethiopia, Sierra Leone, Western Sahara and Côte d'Ivoire. In coordination with the Department of Political Affairs, the Department of Peacekeeping Operations also supports initiatives of the Economic Community of West African States in Côte d'Ivoire, initiatives of the Intergovernmental Authority on Development in the Sudan and regional initiative efforts in Burundi. In Europe, the integral four-pillar structure of the United Nations Interim Administration Mission in Kosovo continues to offer an unprecedented model of coordination with regional organizations, including the European Union and the Organization for Security and Cooperation in Europe.

Recommendation 3

Special representatives of the Secretary-General should be given responsibility for overall coordination of peacekeeping operations with the participation of regional organizations.

34. The comments of the Secretary-General contained in his note of 8 July 1996 (A/50/571/Add.1) remain valid.

Recommendation 4

(a) Eligibility for receiving United Nations training and advisory services related to peacekeeping should be extended to regional organizations;

(b) The United Nations training facilities, such as the International Training Centre of the International Labour Organization in Turin, should be utilized for these purposes;

(c) The General Assembly may wish to encourage Member States and regional organizations to put their facilities and human resources for standardized training at the disposal of the United Nations, other regional organizations and Member States.

35. Owing to limited capacity as regards personnel and finances, assistance in this area continues to be offered on a case-by-case basis. Nevertheless, important progress has been achieved in developing good working relationships with regional organizations and arrangements regarding training and advisory capacity. In addition to focal points handling advisory capacity, the Department of Peacekeeping Operations, in a joint effort with Member States and regional entities, has developed standardized United Nations training guidelines to enhance their preparedness to participate with military capability in United Nations peace operations.

Recommendation 5

The General Assembly may wish to recommend the establishment of:

(a) Voluntary trust funds in regional organizations for their peacekeeping operations and other related activities and way wish to call upon Member States, as well as non-governmental and private organizations and individuals, to make contributions to such funds;

(b) An emergency revolving fund to finance regional organizations' activities in maintaining peace and security;

(c) A trust fund to finance United Nations training programmes for peacekeeping and other peace-related activities.

36. Efforts have been undertaken on related issues. By way of example, the Department of Peacekeeping Operations organized a conference on the theme "Partners in peacekeeping: logistics support issues of the United Nations and troop-contributing countries" in Freetown in March 2003. The focus of the conference was the logistical relationship between the Department and troop-contributing countries and, specifically, ways to improve the operational readiness of troop contingents in the United Nations Mission in Sierra Leone and other future peacekeeping missions. It provided the United Nations and its regional partners with an opportunity to take stock of the evolving relationship between troop-contributing countries, strategic partners and the Department of Peacekeeping Operations in supporting peacekeeping operations in Africa. The Department is currently engaged in follow-up to the conference and the next meeting was due to take place in June 2003 in New York.

IV. Travel in the United Nations: issues of efficiency and cost savings

37. The comments below pertain to the recommendations contained in the JIU report entitled "Travel in the United Nations: issues of efficiency and cost savings" (A/50/692). The comments of the Secretary-General and the Administrative Committee on Coordination[2] were transmitted in his notes of 9 September 1996 (A/50/692/Add.1 and 2, respectively). In its decision 51/465, the General Assembly took note of the JIU report, as well as the comments of the Secretary-General and of the Administrative Committee on Coordination, and requested the International Civil Service Commission to review, at the earliest opportunity, taking into account the relevant reports of the Advisory Committee on Administrative and Budgetary Questions and the Unit, the question of travel entitlements of staff of the United Nations common system and to report thereon to the Assembly.

Recommendation 1 (para. 1)

That the Secretary-General:

1. Determine clearly functions, powers and responsibilities of relevant offices of the United Nations Secretariat dealing with travel, including a lead office with primary responsibilities (preferably the Office of Conference and Common Services), which would also ensure Secretariat-wide coordination of all travel activities.

38. The recommendation has been successfully implemented.

Recommendation 1 (paras. 2 and 3)

That the Secretary-General:

2. Review, at Headquarters and all major duty stations levels, functions of travel units aimed at their reorientation from current implementation of travel rules and regulations towards market-oriented functions of monitoring and analysing the travel market and taking advantage of emerging opportunities.

3. Reconsider the present arrangement of mandatory pre-auditing by the travel units of all travel authorizations. The search for least costly fares applicable should become a shared responsibility of travel agencies and programme managers, subject to verification and random checks by travel units.

39. While the Secretary-General has accepted and implemented paragraph 2 of the recommendation, for the reasons indicated in paragraph 12 of his note (A/50/692/Add.1), paragraph 3 of the recommendation could not be implemented.

Recommendation 1 (para. 4)

That the Secretary-General:

4. Establish at Headquarters and at major duty stations, an advisory committee on travel with the participation of all offices directly concerned, to deal with the implementation of United Nations travel policy and to advise and support the travel units.

40. The recommendation has not been implemented for the reason indicated in paragraph 18 of the note by the Secretary-General (A/50/692/Add.1).

Recommendation 2

That the United Nations Secretariat develop a travel manual and issue it in loose-leaf form, to allow easy updating, reflecting current travel arrangements, and sufficiently detailed to regulate practical questions relating to travel entitlements.

41. Recommendation 2 was accepted by the Secretary-General and has been fully implemented as part of the Office of Human Resources Management *Handbook* and the United Nations travel web site. Implementation of the recommendation has made regulations and rules and forms available online and this has resulted in improved efficiency in operations.

Recommendation 3 (para. 1)

That the Secretary-General, with the approval of the General Assembly, if and when necessary:

1. Make programme managers directly responsible and accountable for the observance of rules and regulations on travel, in particular, for the formal and substantive control of travel. This arrangement should be without prejudice to the powers of supervision and control of central administration (Department of Administration and Management, Office of Internal Oversight Services) to check how these rules are implemented.

42. This recommendation has been accepted by the Secretary-General and has been fully implemented.

Recommendation 3 (para. 2)

That the Secretary-General, with the approval of the General Assembly, if and when necessary:

2. Establish the fungibility of travel and related expenditures (temporary assistance, consultants/experts, communication) of the regular budget, on an experimental basis and subject to thorough scrutiny, allowing programme managers flexible utilization and transfer of resources within these objects of expenditure.

43. The recommendation has not been implemented for the reason indicated in paragraph 21 of the note by the Secretary-General (A/50/692/Add.1).

Recommendation 3 (para. 3)

That the Secretary-General, with the approval of the General Assembly, if and when necessary:

3. Introduce and test incentives and motivation of programme managers and their staff to be more decisively driven by efficiency and cost-consciousness in the area of travel, including retention of a certain percentage of economized resources, treatment of records and initiatives in efficiency and savings of staff members as an important element of performance appraisal, even allowing accelerated promotion as appropriate.

44. The recommendation has not been implemented, as indicated in paragraph 22 of the note by the Secretary-General (A/50/692/Add.1).

Recommendation 4 (paras. 1 and 2)

1. That the Secretariat of the United Nations undertake a feasibility study on the use of credit cards for the purpose of travel of its staff, pending clearance of unresolved legal questions, followed by resumed negotiations with the credit card issuer that is most suitable for the United Nations.

2. That the Secretariat of the United Nations introduce computer-assisted processing of travel documents (travel authorizations and travel claims), first at Headquarters and then expanded to other duty stations. This would be one of the practical applications of the Integrated Management Information System (IMIS), whose release II will be operational by the end of 1995.

45. The status of implementation of the first paragraph of this recommendation is ongoing as part of the commercial payment system bidding process. The second paragraph of the recommendation has been fully implemented with the introduction of an Integrated Management Information System (IMIS) travel module, which has improved efficiency.

Recommendation 4 (para. 3)

(a) That the Secretary-General continue at all duty stations the application of the lump-sum option for home leave, education and family-visit travel;

(b) That the General Assembly request the International Civil Service Commission to analyse and report on the level of cash incentive provided to the staff under a lump-sum option, including a range of different percentage schemes in different duty stations, with a view to creating a rational and coherent system.

46. The recommendation has been accepted and fully implemented. Its implementation has resulted in an improvement in administrative efficiency.

Recommendation 5 (paras. 1 and 2)

1. That the Secretariat of the United Nations:

(a) Prepare a standard contract with a travel agency for use at all duty stations, listing basic requirements and benefits to the Organization, which could be later developed to reflect particular conditions and needs of various duty stations;

(b) Undertake a comparative review of all existing contracts with travel agencies aimed at standardization and determining how well the interests of the Organization are protected.

2. That the Secretariat of the United Nations:

(a) Review the concept and lists of so-called preferred air-carriers at various duty stations, aimed at establishing their continued relevance and benefit for the Organization;

(b) Consider the possibility of undertaking negotiations with selected major air-carriers on most-travelled routes aimed at obtaining special and additional discounts and/or upgrading in exchange for increased market share.

47. The first paragraph of the recommendation has been fully implemented which has improved awareness of available travel services. The second paragraph of the recommendation is being implemented as part of ongoing activities. Continued effective provision has facilitated cost-effective air transportation.

Recommendation 6

That the Secretary-General of the United Nations:

1. Gradually acquire teleconferencing capacity, beginning with the Office of the Secretary-General and the Security Council.

2. Provide Member States with information on present and prospective needs and feasibility of teleconferencing for the United Nations, with corresponding financial implications.

48. Recommendation 6 has been accepted by the Secretary-General and has been fully implemented. Implementation has improved communications and cost savings as a result of travel avoidance.

Recommendation 7 (para. 1)

(a) That the General Assembly review the formula for determining applicable airfares, in particular the requirement of the most direct and shortest route, in order to ascertain, in the light of current developments and pricing policies of airlines, its continued relevance and impact on cost-effectiveness of air travel;

(b) That, further to an earlier recommendation, the Secretariat of the United Nations encourage the involvement of all substantive and servicing departments in the most economical and efficient use of travel funds, inter alia, through providing them with access to online airline schedules and information.

49. The recommendations have not been implemented for the reasons indicated in paragraphs 34 and 35 of the note by the Secretary-General (A/50/692/Add.1).

Recommendation 7 (para. 2)

(a) That the General Assembly review, in the light of the actual situation, the rationale of maintaining as a criterion of business class accommodation by air, the 9-hour flight duration and address the possibility of raising it to 10 hours;

(b) That the Secretary-General, when exercising his discretionary powers of granting business class accommodation by air, give more consideration to cases where, on account of age and health, comfort of travel and ability to work at destination of some travellers might be adversely affected by the impact of changes contemplated in this report.

50. The recommendation has been fully implemented. Implementation of the first paragraph has facilitated the confirmation of current travel policy and that of paragraph (b) has resulted in a further reduction in the number of exceptions to standards of accommodation.

Recommendation 7 (paras. 3-5)

3. That the General Assembly, when reviewing the reporting on granting exceptions to allow first and business class air transportation, consider preparation of these reports on a biennial basis and of one full version only.

4. That the General Assembly abolish or considerably modify the present entitlement to official stopovers en route and instead entitle travellers to more rest-time at destination.

5. That the Secretariat of the United Nations:

(a) Advise and encourage travellers to use means of transportation other than air such as railways, whenever it is cost-effective or otherwise beneficial;

(b) Ensure that travel agencies working for the Organization do not levy service charges on arranging transportation by means other than air on United Nations travellers.

51. The above recommendations were all accepted by the Secretary-General and have been fully implemented, resulting in an increase in efficiency as a result of a reduction in reporting requirements and more efficient use of resources. However, the implementation of paragraph 4 of recommendation 7 has had a minimal impact on travel expenditures.

Recommendation 8 (paras. 1-4)

1. The present system of daily subsistence allowance should be maintained until such time as the operation of the expense-based system proves to be cost effective. The General Assembly might request information on the financial and administrative implications of the introduction of an expense-based system.

2. Payment of additional allowance over and above daily subsistence allowance should not be automatic, but at the request of travellers.

3. That the Secretariat of the United Nations:

(a) Compile local directories of hotels, indicating applicable United Nations rates, and make them available to all interested travellers;

(b) Take action aimed at obtaining exemption of United Nations travellers from hotel taxes.

4. Payment of actual terminal expenses should be made on request from travellers and claimed up to the existing limit.

52. The recommendations were noted by the Secretary-General, but only some aspects have been implemented. The implementation of paragraph 3 (a) has resulted in more efficient use of travel resources.

Recommendation 8 (para. 5 (a))

(a) That the Secretariat of the United Nations:

(i) Enforce the existing rules with regard to deductions in the case of free services provided to travellers;

(ii) Revise the travel authorization form and travel claim form to reflect the existing rules on free service deductions.

53. The recommendation was accepted by the Secretary-General and has been implemented as described in the already existing practice and procedures.

Recommendation 8 (para. 5 (b))

(b) That the Secretariat of the United Nations:

(i) Remind United Nations travellers that benefits accruing out of travel paid by the Organization belong to it;

(ii) Advise and encourage all United Nations travellers, in particular staff members, to apply and collect benefits of frequent-flyer programmes for organizational use;

(iii) Re-establish, facilitate and encourage the practice, on a voluntary basis, of financing some air transportation through the use

of accumulated miles of frequent-flyer programmes for organizational use;

(iv) Provide the General Assembly with relevant information and assessment of cost benefits of collecting from travellers and centrally administering mileage banks of frequent-flyer programmes.

54. With the exception of paragraph 5 (b) (iii) and (iv) of recommendations 8, the recommendations were generally accepted and have been implemented. The units concerned have not seen a measurable impact on travel expenditures.

Recommendation 9 (para. 1)

1. That the General Assembly call upon Member States that are also members of the organizations in the United Nations system to undertake a review of travel standards and practices existing in those organizations, which, in particular, would evaluate them with the aim of achieving uniformity and consistency of such practices system-wide.

55. The Secretary-General has accepted this recommendation and it has been fully implemented.

Recommendation 9 (para. 2)

2. That the Secretariat of the United Nations encourage and facilitate working relations and exchange of information among travel managers of the organizations in the United Nations system, aimed at cost savings and gains in efficiency of travel.

56. The Secretary-General has accepted this recommendation and implementation of it has increased coordination on travel-related issues in the common system.

Notes

[1] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 34* (A/52/34).

[2] In Economic and Social Council resolution 2001/321, the Council agreed to the change of name of the Administrative Committee on Coordination to the United Nations System Chief Executives Board for Coordination (CEB), without change in its mandate.

United Nations A/58/221

General Assembly

Distr.: General
6 August 2003

Original: English

Fifty-eighth session
Item 119 (a) of the provisional agenda*
Human rights questions: implementation of human rights instruments

Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Report of the Secretary-General

Summary

By its resolution 45/158 of 18 December 1990, the General Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and called upon Member States to consider signing and ratifying or acceding to the Convention as a matter of priority.

The present report on the status of the Convention is submitted pursuant to General Assembly resolution 57/201 of 18 December 2002.

* A/58/150.

03-47291 (E) 280803

1. In its resolution 57/201 of 18 December 2002, the General Assembly called upon all Member States that had not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Assembly resolution 45/158, annex) to consider urgently signing and ratifying or acceding to it as a matter of priority; requested the Secretary-General to make all necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families referred to in article 72 of the Convention, as soon as the Convention entered into force, and called upon States parties to submit their first periodic reports in due time; also requested the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; welcomed the increasing activities of the global campaign for the entry into force of the Convention, and invited the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting the understanding of the importance of the Convention; and requested the Secretary-General to submit an updated report on the status of the Convention to the General Assembly at its fifty-eighth session.

2. Furthermore, in its resolution 57/218 of 18 December 2002, the General Assembly requested all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

3. The Convention entered into force on 1 July 2003 following the deposit of the twentieth instrument of ratification, on 14 March 2003.

4. As at 10 June 2003, the Convention had been ratified by 22 States, namely, Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Guinea, Mali, Mexico, Morocco, the Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Uganda and Uruguay. In addition, 11 States, namely, Bangladesh. Burkina Faso, Chile, Comoros, Guinea-Bissau, Paraguay, Sao Tome and Principe, Sierra Leone, the Sudan, Togo and Turkey, have signed the Convention. Further details on the signatures and ratifications of or accessions to the Convention may be found in the web site of the Office of Legal Affairs of the Secretariat (untreaty.un.org).

5. Promotion of the international human rights treaties, including the Convention, is an ongoing priority of the Secretary-General and the United Nations High Commissioner for Human Rights. In his report to the Millennium Assembly of the United Nations (A/54/2000), the Secretary-General stated that the expansion of the rule of law had been the foundation of much of the social progress achieved in the past millennium but remained an unfinished project, especially at the international level, and that support for the rule of law would be enhanced if States signed and ratified international treaties and conventions. In that connection, on 18 December 2002, International Migrants Day, the Secretary-General called upon Member States that had not yet done so to ratify or accede to the Convention as soon as possible as a way of ensuring the full and effective protection of the human rights of migrants.

6. The importance of ratifying the Convention has also been stressed at the regional level. The General Assembly of the Organization of American States, in its resolution AG/RES.1898 (XXXII-O/02) of 4 June 2002 entitled "The human rights of all migrant workers and their families", resolved to urge the member States of the organization to consider signing, ratifying or acceding to all inter-American human rights instruments and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

7. Furthermore, the International Steering Committee of the Global Campaign for Ratification of the Convention on the Rights of Migrants, established in March 1998 for the purpose of building and popularizing a global campaign to promote the ratification and entry into force of the Convention, continued its activities, including through its national counterparts. The Office of the United Nations High Commissioner for Human Rights continued to participate in and to support the initiative. On 3 December 2002, the Steering Committee organized a briefing on the Convention during the eighty-fourth session of the Council of the International Organization for Migration, aimed at promoting ratification of the Convention. On 9 April 2003, during the fifty-ninth session of the Commission on Human Rights, the Steering Committee, together with the Office, organized a panel discussion also aimed at promoting ratification of the Convention.

8. On 1 July 2003, a panel was organized by the Steering Committee to celebrate the entry into force of the Convention. Panellists included the Acting United Nations High Commissioner for Human Rights, the Special Rapporteur on the human rights of migrants and representatives of the International Labour Organization, the International Organization for Migration and the United Nations Educational, Scientific and Cultural Organization. In his introductory statement, the Acting High Commissioner stated that promotion of the Convention had to be considered an additional effort to affirm the rule of law, in particular for groups such as migrants who were too often exposed to abuse and denial of their rights, and that the rule of law and democracy had to be strengthened under the present conditions of globalization. For the same event, a joint statement by the Executive Heads of the International Labour Organization, the International Organization for Migration, the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization was issued, welcoming the entry into force of the Convention and expressing the commitment of the offices to work towards increased collaboration and joint activities in the field of migration and human rights. Flyers and posters about the Convention were prepared and disseminated by the Office of the High Commissioner for the occasion.

9. The Special Rapporteur on the human rights of migrants continued to promote adherence to the Convention within the framework of the mandate entrusted to her by the Commission on Human Rights. In 2002, the Special Rapporteur participated in several conferences, seminars and other events and delivered speeches and lectures reiterating the importance of the ratification of the Convention for the full and effective protection of the human rights of migrants.

10. Finally, through the programme of advisory services in the field of human rights, efforts have been pursued by the Secretariat to establish a dialogue with States that have not adhered to international human rights treaties, including the Convention. Workshops on ratification and reporting to human rights treaty bodies organized by the Office of the United Nations High Commissioner for Human Rights in 2002 have continued to stress the importance of ratifying the Convention.

United Nations A/58/222

General Assembly

Distr.: General
11 August 2003

Original: English

Fifty-eighth session
Item 110 of the provisional agenda*
Crime prevention and criminal justice

Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

Report of the Secretary-General

Summary

The present report, which has been prepared in pursuance of General Assembly resolution 57/173, provides a brief overview of the main developments of the United Nations Crime Prevention and Criminal Justice Programme during the past year. It reviews the progress in the negotiation of the United Nations Convention against Corruption and in promoting the ratification of the United Nations Convention against Transnational Organized Crime, which will enter into force on 29 September 2003. The report reviews the expansion of the technical cooperation activities of the Programme, especially through the global programmes for countering terrorism, organized crime, trafficking in human beings and corruption and for supporting reconstruction of criminal justice systems, justice reform and crime prevention. It also reviews ongoing efforts in the areas of research, implementation of standards and norms, dissemination of information, coordination of activities and mobilization of resources.

* A/58/150.

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I. Introduction

1. Greater international cooperation and the provision of technical assistance to countries is essential for achieving improved levels of security for the peoples of the world. The United Nations Crime Prevention and Criminal Justice Programme contributes to that goal. The present report highlights the main developments of the Programme during the past year, updating information contained in the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2003/2). Related documents include the reports of the Secretary-General on: (a) the United Nations African Institute for the Prevention of Crime and Treatment of Offenders (A/58/223); (b) promoting the ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (A/58/___); (c) preventing and combating corrupt practices and transfer of funds of illicit origin and returning such funds to their countries of origin (A/58/__); and (d) preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (A/58/87-E/2003/82).

II. Twelfth session of the Commission on Crime Prevention and Criminal Justice

2. The Commission on Crime Prevention and Criminal Justice at its twelfth session, held in Vienna from 13 to 22 May 2003, provided further policy guidance and direction. In addition to addressing the issues of transnational organized crime, trafficking in human beings, corruption and terrorism, the Commission discussed topics relating to prevention of urban crime, reform of criminal justice and reconstruction of the justice sector in post-conflict societies. It recommended four draft resolutions for adoption by the General Assembly and eight draft resolutions for adoption by the Economic and Social Council. Details are contained in the report of the Commission on its twelfth session.[1]

III. Entry into force of the United Nations Convention against Transnational Organized Crime

3. To promote the ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto a two-pronged strategy has been pursued: regional and subregional ministerial meetings and seminars have been held to secure political commitment of States and advisory services have been provided to States requesting the assistance of the Centre for International Crime Prevention in formulating changes in national legislation. As the required number of States (40) have ratified the Convention, it will enter into force on 29 September 2003. Details are provided in a separate report (A/58/__). At its twelfth session, the Commission on Crime Prevention and Criminal Justice recommended that the Economic and Social Council approve, for adoption by the General Assembly, a draft resolution entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto".[2]

IV. Negotiation of the draft United Nations convention against corruption and preparations for holding a high-level political conference for the purpose of signing the convention

4. In its resolution 57/169 of 18 December 2002, the General Assembly urged the Ad Hoc Committee for the Negotiation of a Convention against Corruption to endeavour to complete its work by the end of 2003. No efforts have been spared to provide the Ad Hoc Committee with the maximum support, as well as to ensure the participation of as many States as possible in the proceedings. As at June 2003, the Ad Hoc Committee had held five sessions, each of two weeks' duration. At its fourth session, the Ad Hoc Committee had before it a global study on the transfer of funds of illicit origin, especially funds derived from acts of corruption (A/AC.261/12), prepared in accordance with Economic and Social Council resolution 2001/13 of 24 July 2001. At its fifth session, the Ad Hoc Committee held 10 informal consultations in order to explore further issues that required attention and to lay the ground for the final agreement. The informal consultations were devoted to considering two chapters of the draft United Nations Convention against Corruption: chapter II, entitled "Preventive measures", and chapter V, entitled "Preventing and combating the transfer of funds of illicit origins derived from acts of corruption, including the laundering of funds, and returning such funds". At its fifth session, the Committee established a consistency group to ensure consistency in the text of the draft convention and in all the language versions of the draft convention. At its sixth session, held in Vienna from 21 July to 8 August 2003, the Ad Hoc Committee continued its third and final reading of the draft convention. At its seventh session, to be held in Vienna from 29 September to 1 October 2003, the Ad Hoc Committee is expected to conclude its work, building on the spirit of cooperation and political will demonstrated during the negotiations. Throughout the sessions of the Ad Hoc Committee, there has been a high level of attendance; moreover, many least developed countries have been represented at the sessions.

5. In its resolution 57/169, the General Assembly accepted with appreciation the offer made by the Government of Mexico to host a high-level political conference for the purpose of signing the convention, decided to convene the conference by the end of 2003, requested the Secretary-General to schedule the conference for a period of three days, and requested the Centre for International Crime Prevention to work with the Government of Mexico, in consultation with Member States, in formulating proposals for the organization of the conference so that it might provide opportunities for high-level delegates to consider issues connected with the convention, in particular follow-up activities for its effective implementation and future work in the area of fighting corruption. At the fourth session of the Ad Hoc Committee, the representative of Mexico announced that the conference would be held in Mérida, Mexico. A fact-finding mission to Mérida took place from 16 to 20 February 2003 and discussions were held with the Government of the host country on substantive and organizational arrangements. On 23 May 2003, representatives of the Mexican National Organizing Committee, the United Nations Office on Drugs and Crime and the United Nations Office at Vienna held a planning meeting. At that meeting, the Government of Mexico confirmed that the conference would be held from 9 to 11 December 2003; other organizational arrangements were

also confirmed. A planning mission will be undertaken to settle all organizational matters so that a host country agreement may be finalized pursuant to Assembly resolution 40/243 of 18 December 1985. More details are provided in the report of the Secretary-General on the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption (A/58/___).

V. Eleventh United Nations Congress on Crime Prevention and Criminal Justice

6. Pursuant to General Assembly resolution 57/171 of 18 December 2002, preparations are being made for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005. Details are contained in a separate report (A/58/87-E/2003/82). At its twelfth session, the Commission on Crime Prevention and Criminal Justice recommended that the Economic and Social Council approve, for adoption by the Assembly, a draft resolution entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice".[3]

VI. Providing technical assistance to Member States

7. In 2002, the United Nations Crime Prevention and Criminal Justice Programme supported projects with a total value of approximately $7.5 million. The technical cooperation programme expanded from 5 country projects in 1998 to 40 in 2003 (both ongoing and planned). Such activities are implemented within the framework of the four global programmes (against terrorism, organized crime, trafficking in human beings and corruption), as well as in the areas of reconstruction of criminal justice systems, justice reform and crime prevention. Activities in each of the four areas are briefly outlined below. A list of projects implemented in 2002 is provided in the annex.

8. The technical assistance activities of the United Nations Crime Prevention and Criminal Justice Programme are implemented in a fully integrated manner with the activities of the United Nations International Drug Control Programme, under the new organizational structure of the United Nations Office on Drugs and Crime.

A. Preventing terrorism

9. An increased number of mandates have been given to the United Nations Crime Prevention and Criminal Justice Programme for activities related to the prevention of terrorism, especially through General Assembly in its resolutions 56/88 of 12 December 2001, 56/123 of 19 December 2001 and 56/261 of 31 January 2002 and Economic and Social Council resolution 2002/19 of 24 July 2002. In pursuance of those mandates, an expanded programme of work was proposed in the report of the Secretary-General on strengthening the Terrorism Prevention Branch of the Secretariat (A/57/152 and Corr.1, A/57/152/Add.1 and Corr.1 and 2 and A/57/152/Add.2). The focus is on the provision of assistance to Member States, upon request, for ratifying and implementing the 12 international conventions and protocols relating to terrorism. The Assembly, in section IV of its resolution 57/292

of 20 December 2002, approved an increase in the regular budget resource allocation to strengthen the Branch.

10. To provide a framework for the delivery of technical assistance, a global programme against terrorism was launched in October 2002 and was endorsed by the Commission at its twelfth session. The aim of the global programme is to respond promptly and efficiently to requests for counter-terrorism assistance that have been received from Member States either directly or through the Counter-Terrorism Committee of the Security Council. Extrabudgetary resources are being made available by donor countries for implementing elements of the global programme. To date, legal advisory services have been provided to 26 countries. It is expected that, during the remainder of 2003, technical assistance will be provided to approximately 15 more countries. A legislative guide has been prepared for use in direct legal assistance, regional or subregional workshops and training courses.

11. Activities of the Terrorism Prevention Branch are closely coordinated with the Counter-Terrorism Committee, which lists the Branch as an entity providing legal technical assistance. Partnerships have also been established with relevant entities of the Secretariat, especially the Office of Legal Affairs, other United Nations entities, national ministries and international and regional organizations. They include, in particular, close cooperation and joint activities with the International Monetary Fund, the Organization for Security and Cooperation in Europe (OSCE), the Commonwealth Secretariat and the Organization of American States. The Branch has also provided substantive input to the work of the European Union, the Association of South-East Asian Nations and the Council of Europe. Furthermore, the Branch contributed to workshops on the implementation of Security Council resolution 1373 (2001) of 28 September 2001 organized by the OSCE Office for Democratic Institutions and Human Rights for Central Asia and Caucasus States in Azerbaijan, Georgia, Kyrgyzstan and the United Kingdom of Great Britain and Northern Ireland.

12. At its twelfth session, the Commission on Crime Prevention and Criminal Justice recommended that the Economic and Social Council approve for adoption by the General Assembly, a draft resolution entitled "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the Centre for International Crime Prevention".[4] In that draft resolution, the Assembly would invite Member States to provide the Secretary-General with information on the nature of links between terrorism and other forms of crime, in order to increase synergies in the delivery of technical assistance by the Centre; would request the Secretary-General to include an analysis of that information in a report to the Assembly at its fifty-ninth session; would request the Centre to prepare guidelines on technical assistance according to which the Centre would provide assistance related to promoting the ratification of, accession to and implementation of the universal conventions and protocols related to terrorism; and would request the Secretary-General to organize a senior-level session during the thirteenth session of the Commission, in 2004, on progress made with regard to the criminal justice aspects of terrorism and international cooperation and to the universal conventions and protocols related to terrorism.

B. Combating organized crime

13. The global programme against transnational organized crime covers a number of areas, including: monitoring the policies and measures for combating organized crime, as well as assessing their effectiveness and efficiency; raising awareness of the existence, causes and gravity of the threat posed by transnational organized crime and promoting successful strategies for combating it; and providing technical assistance through advisory services and field projects.

Sharing information

14. During 2002, a pilot project on collecting and analysing information on criminal groups in a large number of societies was completed. A report containing an analysis of information on 40 criminal groups in 16 countries was made available on the Internet (www.unodc.org/pdf/crime/publications/Pilot_survey.pdf). In addition, country-specific information on organized criminal groups and national, institutional anti-mafia structures will be made available on a web site. Information will be added on the requirements for international cooperation in each country. The web site is intended to be a tool for law enforcement officials, in particular prosecutors, seeking information about and from other legal jurisdictions on cases involving organized crime. A manual on best practices in preventing and fighting organized crime was prepared and discussed at an expert group meeting held in Prague on 13 and 14 July 2003.

Training criminal justice practitioners

15. Within the framework of the global programme against transnational organized crime, a multimedia seminar for training law enforcement personnel, including police investigators, prosecutors, judges, intelligence analysts and customs officials, has been developed and refined. The seminar examines best practices in the fight against organized crime and corruption in the areas of investigation, international cooperation, collaboration with and protection of witnesses, prevention of organized crime and development of legislation against organized crime. Participants are requested at the end of the seminar to carry out a needs assessment to strengthen their countries' policies and measures against organized crime.

16. Initially, pilot seminars were held in Colombia, Croatia, Peru and Slovakia. In the course of 2002 and the first half of 2003, additional seminars were held in Belarus, Colombia, Indonesia, Mexico, Nigeria, Romania and Ukraine. A seminar for officials from Central American countries was held in Guatemala City and was attended by participants from five countries. In addition, a seminar for officials from Serbia and Montenegro and its neighbouring countries was held in May 2003. To date, over 700 investigators, prosecutors, judges and other officials have been trained. During the remainder of 2003, seminars will be conducted in Bolivia, Chile, Jordan and Mongolia, and subregional seminars will be held for 14 countries in Southern Africa.

Technical assistance projects

Assessment of organized crime in Central Asia

17. A project to collect and analyse information on the nature of organized crime in the Central Asian countries of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, with a view to developing further technical assistance activities to combat it, has been completed. A draft report will be distributed to participating countries by the end of 2003.

The former Yugoslav Republic of Macedonia

18. In 1999, a project was launched in the former Yugoslav Republic of Macedonia to tackle economic and financial crime by strengthening legal provisions and establishing a specialized police unit. Domestic problems have slowed the implementation of the project. Nevertheless, it is hoped that the objectives of the project will be met during 2003.

Measures against organized crime in South Africa

19. A project on measures against organized crime in South Africa was completed during 2002. The aim of the project was to assist the South African authorities in developing effective strategies and expertise for fighting organized crime by providing, among other things, training and mentors.

Assessment of transnational organized criminal groups in West Africa

20. In West Africa, a project for the systematic collection and analysis of qualitative and quantitative data and other information on organized criminal groups operating in the region, to be used to formulate practical recommendations on combating and preventing organized crime, is expected to be completed by the end of 2003. An assessment report will be shared with the participating countries.

Other planned activities

21. In its resolution 2002/16 of 24 July 2002, the Economic and Social Council vigorously condemned and rejected the worldwide practice of kidnapping and encouraged Member States to increase cooperation in order to counter it. The Commission on Crime Prevention and Criminal Justice at its twelfth session recommended the adoption by the Council of a draft resolution entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims".[5] In that a draft resolution, the Council would request the Secretary-General to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping. The development of effective technical assistance in response to the growing problem of kidnapping, and its links with organized crime, will thus become a priority. Additional activities are planned during 2003 to develop specific technical assistance projects to support units specialized in fighting organized crime in a number of countries where problems involving organized crime are particularly severe or have the potential to become serious.

C. Combating trafficking in human beings, especially women and children

22. Within the framework of the global programme against trafficking in human beings, the United Nations Crime Prevention and Criminal Justice Programme continued to provide technical assistance to support Member States in their efforts to combat trafficking in human beings. Given the complex nature of such trafficking, securing the expertise of other organizations and ensuring complementarity of action are essential. The Commission on Crime Prevention and Criminal Justice at its twelfth session focused on the theme "Trafficking in human beings, especially women and children", drawing on the expertise of a large number of organizations and individuals. The Commission recommended that the Economic and Social Council approve, for adoption by the General Assembly, a draft resolution entitled "Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking".[6]

Global trends in trafficking in human beings

23. Together with the United Nations Interregional Crime and Justice Research Institute, the United Nations Office on Drugs and Crime is conducting research and assessment activities to examine the processes involved in trafficking in human beings, including the role of organized criminal groups in such trafficking. To that end, a number of research tools have been developed and tested. Within the framework of the global programme against trafficking in human beings, a database has been established. The database on trafficking in human beings includes data from multiple sources on global trends in such trafficking, the cross-country routes used and the volume of such trafficking.

Promoting public information and best practices

24. Following the success of the first public service announcement campaign on trafficking in humans for sexual exploitation, launched in 2001, a second video on trafficking in men, women and children for bonded and forced labour, such as in factories, on farms or as domestic servants, was released in February 2002. Two video clips aimed at raising the awareness of the general public about the epidemic growth of that modern-day form of slavery and about victim empowerment are being made. A manual or tool kit that is being prepared will provide examples of good practices in preventing and combating such trafficking.

Technical assistance projects

Czech Republic and Poland

25. A project addressing trafficking in human beings along routes leading to and from Eastern Europe has begun in the Czech Republic and Poland. It focuses on law reform, strengthened investigation and prosecution of cases involving such trafficking, as well as the provision of assistance to victims at the local level.

Philippines

26. A pilot project in the Philippines has been completed. It included awareness-raising and training sessions for law enforcement officers from different parts of the

country and workshops on improved police-prosecutor cooperation. It resulted in the formulation of an inventory of relevant legislation, the formulation of guidelines for investigation and the testing of a new training curriculum for consular staff. The project also resulted in a national plan of action.

Benin, Nigeria and Togo

27. In conjunction with the United Nations Interregional Crime and Justice Research Institute and in cooperation with the Governments of Italy and Nigeria, the United Nations Office on Drugs and Crime initiated a project addressing the smuggling of minors and young women from Nigeria into Italy. In addition, a project in Benin, Nigeria and Togo is to address the assessment of trafficking flows and measures for combating trafficking in human beings.

Other planned activities

Brazil

28. A project to assess the routes and modalities used by organized criminal groups and to improve law enforcement responses and victim support has been developed at the request of the Government of Brazil in cooperation with the country office of the United Nations Office on Drugs and Crime. Implementation of the project will begin in 2003.

Slovakia

29. One of the key objectives of a project in Slovakia is to enable a newly established trafficking unit of the criminal police to become fully operational. A model for protecting and assisting victims of trafficking in human beings will be developed.

Economic Community of West African States

30. Following the adoption in 2001 by the annual summit of the heads of State of the Economic Community of West African States (ECOWAS) of a political declaration and an action plan against trafficking in human beings, a joint United Nations/ECOWAS expert group meeting held in Lomé on 2 and 3 December 2002 evaluated action taken by States in West Africa and identified future areas for intervention and assistance.

Viet Nam and South-East Asia

31. A project proposal that has been prepared for Viet Nam is aimed at enhancing the existing mechanisms against trafficking in persons by increasing investigation and prosecuting capacity, networking between law enforcement and the judiciary, and training personnel of the agencies involved. A project for computer-based training in South-East Asia is to build upon the existing expertise of the United Nations Office on Drugs and Crime in computer-based training.

Colombia

32. The objectives of a project in Colombia are to assist the authorities in developing and implementing an integral national strategy against trafficking in

human beings and to support the criminal justice system in the prevention, investigation and prosecution of such trafficking.

Republic of Moldova

33. The objective of a project in the Republic of Moldova is to improve criminal justice responses to trafficking in human beings through strengthened national policies and practice. The focus of the project is on reducing the involvement of organized criminal groups.

D. Promoting anti-corruption policies and measures, with emphasis on judicial integrity

34. Since 1999, when the global programme against corruption was launched, more than 30 States have requested assistance. The majority of the projects being implemented focus on strengthening judicial integrity, an important area for the United Nations Crime Prevention and Criminal Justice Programme. While judicial integrity is a critical part of individual country projects, it also is the focus of more global efforts. Thus, in close collaboration with Transparency International, the Department for International Development of the Government of the United Kingdom and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, the Programme continued to support chief justices from common and civil law countries in their efforts to identify and apply best practices in strengthening judicial integrity and capacity.

Coordinating anti-corruption initiatives

35. Most of the activities of the United Nations Crime Prevention and Criminal Justice Programme involve close collaboration with international and regional agencies and non-governmental organizations. Within the framework of the Programme, an inter-agency anti-corruption coordination mechanism was launched for the purpose of ensuring coordination and cooperation among the United Nations and other organizations active in the area of fighting corruption. A third coordination meeting was held on 24 and 25 July 2003.

Technical assistance projects

Colombia

36. The aim of the project in Colombia is to strengthen the rule of law at the subnational and national levels by increasing the integrity of local governments and strengthening local prosecutorial capacity.

Hungary

37. Within the framework of the United Nations Crime Prevention and Criminal Justice Programme, a comprehensive corruption assessment was carried out in collaboration with the United Nations Interregional Crime and Justice Research Institute. A national anti-corruption decree was adopted by the Council of Ministers of Hungary in 2001. A national integrity meeting was conducted in March 2003 for the purpose of developing a comprehensive anti-corruption action plan. The project

was concluded with a presentation to a meeting of European Union member and accession States in June 2003.

Lebanon

38. In its first phase (from October 1998 to December 1999) a project in Lebanon focused on strengthening the capacity of various stakeholders in the legislative, executive and judiciary, ensuring coordination among them and providing support to an anti-corruption public awareness campaign. In the second phase, the project focused on: (a) a comprehensive corruption assessment; and (b) the provision of assistance to the Government of Lebanon in the development of a national integrity strategy and action plan. At the request of the Government, the project was revised and new objectives were established focusing on raising awareness among youth.

Nigeria

39. A project in Nigeria is aimed at enhancing the rule of law by increasing judicial capacity and integrity. Integrity meetings for the judiciary have been conducted in three pilot states, resulting in action plans delineating measures to enhance: (a) access to justice; (b) timeliness and quality of justice; (c) the public confidence in the courts; (d) efficiency, effectiveness and credibility of the complaint system; and (e) coordination throughout the criminal justice system. The implementation of the project has proceeded well. The project is scheduled to be concluded by the end of 2003.

South Africa

40. The aim of a project in South Africa that was approved in early March 2001 was to assist the Government in its efforts to prevent, detect and fight corruption and promote the rule of law within the country. A comprehensive corruption assessment was conducted. The final report was adopted by the Government in 2003 and presented to the Parliament. In addition, the United Nations Office on Drugs and Crime Regional Office for Southern Africa collaborated closely with the Southern African Development Community on regional anti-corruption initiatives.

Other planned activities

41. In 2002, within the framework of the United Nations Crime Prevention and Criminal Justice Programme, an idea was developed, in close consultation with the Permanent Mission of Indonesia to the United Nations (Vienna), for a project aimed at supporting the Government and the Chief Justice of Indonesia in strengthening judicial integrity and capacity in order to enhance the rule of law in the country. In addition, an idea for a project aimed at strengthening the effectiveness, transparency and accountability of the judiciary of the Islamic Republic of Iran was developed in consultation with the Permanent Mission of the Islamic Republic of Iran to the United Nations (Vienna). A fact-finding mission to Tehran was conducted in March 2002.

Research and publications

42. Within the framework of the Programme, work continued on operational guides and other technical and policy publications, including the anti-corruption

tool kit, the United Nations anti-corruption manual for policy makers and a publication series containing technical and policy papers on anti-corruption topics, all available on the Internet (www.unodc.org/corruption.html). Work also began on a handbook on anti-corruption measures for prosecutors and investigators.

E. Reforming and reconstructing criminal justice systems; and crime prevention

43. The demand for technical assistance projects in reconstruction of criminal justice systems, criminal justice reform and crime prevention has increased dramatically over the past two years. Current projects cover a variety of areas, including juvenile justice reform, victim support and urban security. A programme for criminal justice reform and reconstruction has been designed for Afghanistan. Ongoing work also relates to the implementation of United Nations standards and norms in crime prevention and criminal justice and the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex).

Technical assistance projects

Criminal justice reconstruction programme for Afghanistan

44. The criminal justice reconstruction programme for Afghanistan is composed of three projects that have been developed in close consultation with the relevant stakeholders. A project on reform of the penitentiary system, launched in June 2003, includes the rehabilitation of the prison and detention centre capacity in Kabul and the establishment of a special detention centre for women. The project also entails the revision of legislation and the training of prison staff on standards and norms and on management issues. Moreover, educational and vocational programmes will be initiated, especially for detained women, in order to facilitate their social reintegration. A project on reform of the juvenile justice system is to strengthen the juvenile justice administration of the Ministry of Justice as a focal point for matters pertaining to children in conflict with the law. The project includes the establishment of new premises for the youth court in Kabul as well as a special residential institution for offenders aged 15-18. A large project on criminal law and criminal justice capacity-building is aimed at refurbishing offices of the Ministry of Justice and the judiciary, training the staff and establishing multi-purpose centres of justice in selected provincial capitals.

Juvenile justice reform projects in Egypt and Lebanon

45. A follow-up project to support the juvenile justice system in Lebanon, focusing on improving services and detention conditions for female juveniles, was launched in November 2002. An evaluation committee has made an assessment of the detention conditions and, pursuant to the recommendations of the assessment report, premises were selected for the new residential institution. A project to strengthen legislative and institutional capacity for juvenile justice in Egypt began in early 2003.

Victim support in South Africa

46. A project to establish shelters for victims of domestic violence in South Africa has been expanded to include another province during 2002. The centres provide a range of services (paralegal, counselling and emotional support) for the victims and survivors of violence, especially women and children, and rehabilitation services (counselling and support groups) for male perpetrators in order to break the cycle of violence. A global programme for building up non-governmental support structures for victims of violent crime, including trafficking in persons, has also been initiated. The project is aimed at identifying best practices in global victim assistance by funding innovative victim support initiatives, primarily in developing and transitional societies.

Urban security in Senegal

47. A crime prevention project launched in Senegal is designed to establish neighbourhood police forces and judicial centres in deprived districts in the Dakar area and will further provide special training for the personnel working in those public services.

Other planned activities

48. Following the programme for Afghanistan, projects envisaging more general penal reform and modernization of the criminal justice system are also being prepared for several other countries, including, Ethiopia, Sierra Leone and Somalia. A project on juvenile justice reform, following the example of the projects launched in Egypt and Lebanon, is currently under consideration for Jordan. On the basis of the experience gained with the project in South Africa, new projects focusing on measures to counteract violence against women and children are being designed for other African countries. As far as urban security is concerned, a proposal for building urban security through neighbourhood policing in Brazil is being prepared, based on a memorandum of understanding signed with the Government of Brazil in April 2003. Advisory services were provided to Timor-Leste, in cooperation with the United Nations Development Programme, to assess the current status of the prison and detention facilities and to advise the Government on a medium- to long-term strategy for its operations and activities. In addition, an idea for a project on reforming criminal justice in Guinea-Bissau was drafted, in order to address the very basic needs of that country in sustaining the rule of law. A project on developing best practices for crime prevention in developing countries—with an initial focus on the Caribbean and Southern Africa—will be initiated in 2004. Numerous other projects on crime prevention and criminal justice reform have been proposed by field offices of the United Nations Office on Drugs and Crime.

VII. Implementation of standards and norms, dissemination of information and coordination of activities

A. Implementation of the United Nations standards and norms in crime prevention and criminal justice

49. Acting on the recommendations of the Committee for Programme Coordination for a more balanced approach,[7] the United Nations Crime Prevention and Criminal Justice Programme continued its efforts to promote the role of the United Nations standards and norms in crime prevention and criminal justice in the context of justice reform. The United Nations Office on Drugs and Crime took part in several events relating to the application of United Nations standards and norms in crime prevention and criminal justice, including organizing and conducting two training courses on the United Nations crime prevention and criminal justice standards and norms in law enforcement, in cooperation with the International Committee of the Red Cross. These were held in Vienna and elsewhere in Austria in October 2002 and in June 2003.

50. Pursuant to section I of Economic and Social Council resolution 2002/15 of 24 July 2002, the Meeting of Experts on the Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice was held in Stadtschlaining, Austria, from 10 to 12 February 2003. The Commission on Crime Prevention and Criminal Justice at its twelfth session recommended the adoption by the Council of a draft resolution entitled "United Nations standards and norms in crime prevention and criminal justice".[8] In that draft resolution, the Council would take note of the recommendations of the Meeting of Experts (E/CN.15/2003/10/Add.1) and would request the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on progress made in the targeted collection of information on the United Nations standards and norms in crime prevention and criminal justice in the following categories, with a view to improving technical cooperation: (a) standards and norms related primarily to persons in custody, non-custodial sanctions, juvenile and restorative justice; and (b) standards and norms related primarily to legal, institutional and practical arrangements for international cooperation.

B. Implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

51. In its resolution 56/261 of 31 January 2002, the General Assembly took note with appreciation of the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, annexed to the resolution, and invited Governments to use the plans of action as appropriate. By a note verbale dated 26 September 2002, the Secretariat sought information from States on steps being taken to implement the plans of action. By June 2003, replies had been received from Austria, Colombia, Croatia, Denmark, Finland, Greece, Morocco, Portugal, Qatar, the Russian Federation, Slovakia, Sweden, Turkey, Ukraine and Venezuela. A number of States indicated that they were being guided by the plans of action in their development of policies and programmes at the national level.

C. Dissemination of information

52. Efforts have continued to be made to improve the visibility of the United Nations Crime Prevention and Criminal Justice Programme. Those efforts include the ongoing maintenance and upgrading of the web site, the production of promotional material on technical assistance activities and presentations on the work of the Programme. Information on the Programme continued to be disseminated by electronic means, through its web site (www.odc.org/crime_prevention.html). A number of new publications have been added in the course of the year. *Forum on Crime and Society* is a peer-reviewed journal published twice a year in the six official languages of the United Nations. It is read primarily by academics and practitioners in the field of criminal justice. The most recent issue of *Forum*[9] was devoted to corruption. The focus of the forthcoming issue will be on terrorism. Issues of *Forum* can be accessed on the Internet (www.unodc.org/unodc/en/crime_cicp_publications_forum.html).

53. In 2002, the Centre for International Crime Prevention published statistical information on crime and criminal justice from the period 1998-2000 that had been collected from over 80 Member States through the Seventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (www.odc.org/crime_the Crime Programme_survey_seventh.html). The web-based statistics are accessed by a large number of users and a considerable quantity of information is downloaded. For example, during one month (October 2002) 1,097 gigabytes of text were downloaded. With 519 variables, the survey remains the most comprehensive statistical database available on global crime and criminal justice. The questionnaire for the Eighth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, covering the period 2001-2002, will soon be sent to States. In collaboration with the Statistics Division of the Secretariat, a manual for the collection of crime statistics has been designed and published.

54. During 2002, work focused on completing the study on global trends, in which links between institutional arrangements and organized crime and public sector corruption were examined. Research focused on developing a tool oriented towards international policy to identify and address a country's institutional propensity towards major crime, in particular organized crime and corruption at high-levels in the public sector. A preliminary report has been completed and will be published in an upcoming issue of *Forum on Crime and Society*. Drawing on data provided by various United Nations surveys of crime trends and operations of criminal justice systems and the International Crime (Victim) Survey and on additional information, work has begun on a world report on crime and justice, to be published in 2004.

D. Coordination of activities

55. Within the framework of the United Nations Crime Prevention and Criminal Justice Programme, activities continued to be coordinated closely with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network. In particular, the active participation and contributions of the institutes have been sought in carrying out the plans of actions for the implementation of the

Vienna Declaration on Crime and Justice. Pursuant to the practice established since the tenth session of the Commission on Crime Prevention and Criminal Justice, the institutes of the Programme network organized a workshop on trafficking in human beings, especially women and children, during the twelfth session of the Commission. In addition, the coordination meeting of the Programme network was held in Courmayeur, Italy, in December 2002. The meeting was preceded by the Conference on Trafficking: Networks and Logistics of Transnational Organized Crime and Terrorism, organized by International Scientific and Professional Advisory Council. Close bilateral cooperation was pursued by the members of the Programme network, most notably with the United Nations Interregional Crime and Justice Research Institute, in the framework of implementing the global programmes of the Centre for International Crime Prevention. Representatives of the Centre attended board meetings of the Interregional Institute, the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

VIII. Resource mobilization

56. Efforts to broaden the donor base of the United Nations Crime Prevention and Criminal Justice Programme have continued. Informal donor meetings were held in 2002 and 2003. In particular, for the first time, a major donor meeting for both the drug and the Crime components of the United Nations Office on Drugs and Crime was held in April 2003. The contributions and pledges provided to the United Nations Crime Prevention and Criminal Justice Fund from January 2002 to June 2003 totalled $9,546,300 (see the table below); however, of those contributions, $9 million—or 95 per cent—were earmarked for specific projects or activities. Efforts are being made to increase the volume of contributions so that the expanded mandates of the Programme may be fulfilled and the numerous projects that have recently been launched may be completed. Efforts are also being made to increase the proportion of general-purpose contributions, in order to provide greater programme flexibility.

Contributions and pledges to the United Nations Crime Prevention and Criminal Justice Fund, January 2002-June 2003

Country	*Total amount pledged (United States dollars)*
Austria	1 860 233
Bahamas	1 000
Canada	220 794
Chile	6 000
Croatia	1 076
Denmark	372 800
France	310 074
Germany	24 777
Greece	30 000
India	6 000

Country	*Total amount pledged (United States dollars)*
Italy	3 005 600
Japan	66 000
Malta	2 500
Morocco	4 000
Netherlands	551 867
Norway	208 908
Republic of Korea	18 000
Spain	156 576
Sweden	410 500
Switzerland	124 363
Tunisia	2 000
United Kingdom of Great Britain and Northern Ireland	901 811
United States of America	1 728 410
Venezuela	5 000
Total	**9 346 300**

57. As at 1 January 2003, the authority to manage the United Nations Crime Prevention and Criminal Justice Fund, as well as the sub-account for the United Nations Interregional Crime and Justice Research Institute, was delegated to the Executive Director of the United Nations Office on Drugs and Crime. Included in that delegated authority is the acceptance of contributions and issuance of allotments and allocations. Accordingly, the processing period for the above-mentioned activities should be shortened considerably.

IX. Conclusions and recommendations

58. A number of key developments have occurred in the United Nations Crime Prevention and Criminal Justice Programme during the past year. The number of ratifications required for the entry into force of the United Nations Convention against Transnational Organized Crime has been received. The entry into force of the Convention on 29 September 2003 will constitute a significant milestone, as will the completion, adoption and opening for signature of the future United Nations Convention against Corruption.

59. Overall, the number of technical assistance activities undertaken by the United Nations Crime Prevention and Criminal Justice Programme has grown rapidly. There has been a particularly noteworthy increase in the area of criminal justice reform, reconstruction and crime prevention. It can be expected that the increase in technical assistance activities will continue. Activities have also expanded considerably in the area of terrorism prevention. In order to build upon and enhance those positive developments predictable and increased resources, including general-purpose voluntary contributions, will be needed to provide the necessary basic operational framework and to enable the Programme to respond expeditiously to new requirements. In this connection, the General Assembly may wish:

(a) To reiterate the continued high priority of the United Nations Crime Prevention and Criminal Justice Programme and the need for adequate allocation of resources, particularly with respect to the promotion of international cooperation and the provision of technical services to States for meeting the challenges posed by transnational organized crime, trafficking in human beings, corruption and international terrorism, as well as criminal justice reform in post-conflict societies;

(b) To welcome the significant expansion of activities of the United Nations Crime Prevention and Criminal Justice Programme in the provision of technical assistance to States in the priority areas of concern, including in the field of criminal justice reform, particularly in the context of post-conflict reconstruction;

(c) To welcome the new orientation and expansion of activities of the Programme for supporting the efforts of States in combating international terrorism, including the launching of the global programme against terrorism, and the close coordination of work with the Counter-Terrorism Committee of the Security Council;

(d) To appeal for renewed efforts to bolster the capacity of the Programme to continue to provide leadership in the priority areas of fighting organized crime, corruption, trafficking in human beings and terrorism, as well as in promoting criminal justice reform;

(e) To call on States to reinforce their efforts to ratify and implement expeditiously the United Nations Convention against Transnational Organized Crime and its Protocols, the future United Nations Convention against Corruption and the international legal instruments relating to international terrorism, including by drawing on, where appropriate, the services available from the United Nations Crime Prevention and Criminal Justice Programme;

(f) To call on States, international financial institutions and the private sector to make or increase significantly their contributions to the United Nations Crime Prevention and Criminal Justice Fund, to enable the Programme to meet the increasing demand for technical services in the priority areas.

Notes

[1] *Official Records of the Economic and Social Council, 2003, Supplement No. 10* (E/2003/30).

[2] Ibid., chap. I, sect. A, draft resolution II.

[3] Ibid., sect. A, draft resolution IV.

[4] Ibid., sect. A, draft resolution III.

[5] Ibid., sect. B, draft resolution V.

[6] Ibid., sect. A, draft resolution I.

[7] See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 10* (A/56/10).

[8] *Official Records of the Economic and Social Council, 2003, Supplement No. 10* (E/2003/30), chap. I, sect. B, draft resolution VII.

[9] *Forum on Crime and Society*, vol. 2, No. 1 (December 2002) (United Nations publication, Sales No. E.03.IV.2).

Annex

Technical cooperation projects supported by the Centre for International Crime Prevention, 2002

Country or area	*Project*	*Value (United States dollars)*
Global	Assistance to signatories of the United Nations Convention against Transnational Organized Crime and the Protocols thereto	1 975 466
	Database on flows of trafficking in persons	144 301
	Judicial integrity	100 000
	Strengthening the legal regime against terrorism	230 000
Brazil	Measures to combat trafficking in persons	400 000
Colombia	Strengthening local government institutions in the fight against corruption	505 280
Hungary	Assessment of corruption in Hungary	175 263
Lebanon	Support for the national anti-corruption strategy	305 551
	Strengthening the legislative and institutional capacity for juvenile justice	754 049
Nigeria	Strengthening judicial integrity and capacity	293 968
Philippines	Coalitions against trafficking in persons in the Philippines	269 312
South Africa	Mechanisms to counteract domestic violence	660 000
	Measures to counteract organized crime	414 000
	Donor coordination in the field of criminal justice	40 000
	Support for the National Anti-Corruption Programme	359 340
The former Yugoslav Republic of Macedonia	Preventing and controlling economic and financial crime	330 000
Central Asia	Assessment of transnational organized crime	64 636
Eastern Europe (Czech Republic and Poland)	Criminal justice responses to trafficking in persons	519 348
Total		**7 540 514**

United Nations A/58/223

General Assembly

Distr.: General
8 August 2003

Original: English

Fifty-eighth session
Item 110 of the provisional agenda*
Crime prevention and criminal justice

African Institute for the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 57/172 of 18 December 2002 and focuses on the efforts undertaken to strengthen the programmes and activities of the African Institute for the Prevention of Crime and the Treatment of Offenders. The report highlights the activities of the past year, the approved medium-term strategy and action plan for the period 2002-2007, fund-raising efforts and strategies for sustaining the Institute. Specific proposals have been made to deliver effective technical cooperation reflecting the needs of the African member States of the Institute. The report follows the report of the Secretary-General of 30 August 2002 on the Institute (A/57/135), which described the activities, achievements and difficulties faced by the Institute and its precarious financial situation.

* A/58/150.

V.03-86706 (E) 150803 180803

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 57/172 of 18 December 2002 and updates the report submitted to the Assembly at its fifty-seventh session (A/57/135). It focuses on the activities, operations and funding of the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) and includes concrete proposals based on needs assessments of individual countries that take into account traditional value systems and the international legal requirements for action against crime in accordance with the relevant treaties, conventions and related protocols.

2. With the advent of increased global cooperation between States, many difficult challenges have emerged that threaten the very essence of cooperation, as well as the enhancement of the rule of law and the socio-economic development of nations. The world suffers from increasing instability, much of which is the consequence of criminal activity by individuals and organized groups who rapidly exploit advances in information and communication technology and the "open border" policies of many nations.

3. Africa, with its technical and material deficiencies, suffers inordinately from sophisticated transnational organized criminal activities. The ease and impunity with which criminal activities are carried out in Africa reveal the vulnerability of the region to endemic crime, both in its traditional and emerging forms. They also highlight the lack of effective capacity for management of crime prevention and criminal justice programmes. The alarming proportions of crime in Africa mean that many of the resources for national development programmes are lost or constrained.

4. In view of the ever-increasing incidence of transnational criminal activity, there is a great need for improved collaboration in crime prevention and criminal justice at the regional and subregional levels. Regional cooperation has become an effective tool of problem-solving. UNAFRI, as a specialized body for regional cooperation and the focal point of the United Nations Crime Prevention and Criminal Justice Programme in Africa, has a set of action plans with a strategic focus on addressing the specific needs of the region. It is thus in the vanguard in terms of promoting the effective and active cooperation of African Governments.

5. During the reporting period, the Institute continued to receive political support from its member States, its Governing Board, the Commission on Crime Prevention and Criminal Justice, the Economic Commission for Africa (ECA), the General Assembly, the African Union and other stakeholders. The grant from the General Assembly and the technical cooperation partnership programme with donor Governments and agencies enabled the Institute to implement and participate in a number of important activities. The Institute further enhanced its cooperation with member States by gathering from each State information on its unique requirements in the area of crime prevention. Based on the reported requirements, tailor-made programmes and action plans were designed for each State in order to sensitize African Governments to the need to ratify the international legal conventions and adopt the provisions of the conventions into their national legislation and action plans as a means of addressing the crime problem in their countries.

6. The Institute has continued its operations against a background of financial difficulties arising from a lack of contributions from member States. The growing

awareness of the activities of the Institute among member States and other stakeholders, however, has significantly improved the response to the call by the Institute for execution of joint programmes of mutual concern in the area of crime prevention. The strategy aims to solicit individual commitments from the stakeholders, which would ultimately translate into financial support for the Institute.

II. Programme activities

A. Governing Board

7. The eighth session of the Governing Board of the Institute was held in Addis Ababa on 17 and 18 March 2003. It approved the budget and work programme of the Institute for the biennium 2004-2005. The Governing Board expressed its appreciation to the General Assembly for its continued support of the Institute and, in particular, for the United Nations grant that is vital for sustaining it. The medium-term strategy and action plan of the Institute for 2002-2007 were approved. The Governing Board expressed satisfaction with the proposals of the Institute for a sustained drive to gain much-needed support from the member States and other stakeholders. It noted the signing of the memorandums of understanding between UNAFRI and the National Association of Blacks in Criminal Justice and the Center for Domestic and International Criminal Justice Research and Policy, United States of America, in fulfilment of the strategy.

8. The Governing Board urged member States to meet their financial responsibility to the Institute and called on those countries which had not yet acceded to the statute of the Institute to become members.

B. General direction and management

9. The activities of the Institute during the period under review aimed at improving the current perception of the Institute by the member States and other stakeholders and at highlighting the availability of the technical capacities for consultation in matters related to its mandate. The activities were based on a prior recommendation by the Governing Board at its seventh session, when the Institute was urged to market its services to potential end-users. That strategy was developed to encourage member States to strengthen the rule of law through the adoption of international conventions and to enhance the participation of African States in the emerging international legal order. In many countries, the traditional law enforcement systems are frequently unable to cope with the rising levels of crime.

10. On the initiative of the Governing Board, substantial efforts were made to make available marketing materials to the member States, with a view to promoting stable and viable criminal justice systems and enhancing the ability of member States to combat the growing threat of transnational organized crime through cooperation. Subsequently, the Institute has increased its contacts with African and other diplomatic missions in Kampala through courtesy visits as part of its publicity campaign and to mobilize support for its prospective projects for joint implementation.

11. The task of developing project proposals has been highlighted as a major fund-raising tool in attracting the necessary attention of prospective donors and interesting them in the partnership opportunities available at the Institute. This has been all the more important because of the emerging needs of various sectors in the region. Currently, the Institute has project proposals for possible donor funding on terrorism, trafficking in women and children and combating and eliminating kidnapping. They were developed as a result of a study undertaken by the Institute to assess the needs of member States in crime prevention.

12. The host Government has continued to offer valuable assistance, guidance and political support to the Institute. It has also continued to honour its commitment to provide facilities in accordance with the host agreement. The Institute has also benefited from ever-growing cordiality with the host Government through its extension of various courtesies. For example, the Institute enjoys a special relationship with the Ministries of Internal Affairs and Foreign Affairs of Uganda and, as a consequence, has an opportunity to sponsor or provide its own programmes in various forums. In conjunction with the host Government, the Institute has embarked on developing a "niche" as a guiding theme in its operations for a given period of time. It is intended that this "niche" should appeal to the international donor community in terms of soliciting and gaining support. The "niche" for the period under review is combating transnational organized crime.

C. Crime prevention and criminal justice activities

13. The main focus of the activities of the Institute has been on the individual needs of member States and the growing awareness that crime prevention is necessary for all regions. Within its available means, the Institute has held a series of national workshops for member States with a view to sharing valuable experience and disseminating information regarding the prevalence of transnational criminality and the need for concerted action at the regional and subregional levels. As part of the United Nations Crime Prevention and Criminal Justice Programme network, the Institute has made efforts to inform countries of the region about relevant United Nations conventions and their protocols as an effective means of combating crime.

1. Extradition and mutual legal assistance conventions

14. The extradition project of the Institute has reached its final and crucial stage and has received commendable support from the African Union. Efforts are under way to arrange a ministerial meeting or a meeting of experts to discuss the draft convention on mutual legal assistance for subsequent consideration by the Council of Ministers and Summit of African Leaders of the African Union. This represents a step forward in the ongoing effort to control transnational organized crime and augurs well for regional cooperation as a basis for consolidating regional stability and development.

2. Trafficking in firearms and ammunition in Africa

15. The project to combat trafficking in firearms and ammunition in Africa has been jointly implemented by the Institute with technical assistance from the Government of the United States through its Departments of State and Justice. The

need for a firearms control centre in the African region was emphasized in the preliminary recommendation by the experts and delegates of member States at workshops and consultations. The importance of coordinating regional efforts to combat the growing problem of firearms proliferation and its attendant risk of instability was underlined. The proposal for the development of the firearms control centre is now ready for discussion with prospective donors and interested partners, including civil society, the public sector and multilateral agencies. The report on the project is available to interested parties.

16. The Institute has continued to participate in the local, regional and international discussions regarding viable solutions to the escalating problem of firearms.

D. Other activities

1. Effective cooperation between the African Institute for the Prevention of Crime and the Treatment of Offenders and its stakeholders

17. The Institute launched a study to identify a sustainable flow of resources to support and boost its capacity to implement programmes of mutual concern with stakeholders. The study was conducted in several countries and responses to the Institute's questionnaire are still arriving, with requests for assistance and recommendations regarding the best means of instituting cooperation. The Institute recognizes the benefit of maintaining a dialogue with stakeholders in order to stay abreast of thinking in member States. A number of countries have called for an increased flow of information and services from the Institute to their capitals and the development of partnerships at the local and regional levels for more effective cooperation.

2. United Nations survey on kidnapping

18. As part of the United Nations study on the effect of kidnapping in Africa, the Institute sent questionnaires to several African countries. Owing to the communication difficulties in the African region, however, it will be some time before an adequate level of response is received to enable a meaningful analysis to be made. Every effort is being made, however, to obtain responses to the questionnaires.

3. Terrorism

19. A survey conducted on terrorism revealed the concern of African countries about the threat of this grave crime. The Institute continues to receive requests from countries on combating terrorism, including enhanced cooperation at various levels among the organs of state security.

4. Workshop on effective and sustainable strategies in crime prevention

20. The workshop on effective and sustainable strategies in crime prevention opened a series of activities intended to assist the Secretary-General in reaching out to member States in Africa to utilize and implement the United Nations instruments on crime prevention and criminal justice. The workshop stressed the need for

consultative meetings to be held at various levels as a means of raising the awareness and interest of countries, as well as to provide them with the opportunity to ensure that their concerns are ultimately reflected in the implementation of the international instruments. The Institute offered technical assistance for the translation of the international instruments into local legislation and national action plans. This strategy was designed by the Institute to reach every member State of UNAFRI, either individually or as a group at the subregional level, in order to develop a culture of uniform application of international legal provisions to meet specific local and regional challenges. The workshop was held at the headquarters of UNAFRI as a pilot project for a number of stakeholders in crime prevention in Uganda.

5. Trafficking in women and children

21. The Institute assisted member States in applying the existing United Nations conventions to the growing menace of trafficking in women and children, which is one of the most vicious of crimes and controlled by a rapidly growing and subtle criminal network that is already operating in several countries with near impunity. The Institute offered technical assistance with efforts to translate the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II) into national action plans. Such advisory services will be replicated in other countries.

E. International cooperation and partnership

22. The Institute has maintained close cooperation with the Crime Programme of the United Nations Office on Drugs and Crime. As a member of the United Nations Crime Prevention and Criminal Justice Programme network, UNAFRI has continued to participate in the activities of the network. The Institute participated in the seventeenth coordination meeting of the network, held in Courmayeur and Turin, Italy, on 4 and 5 December 2002.

23. At the twelfth session of the Commission on Crime Prevention, held in Vienna from 13 to 22 May 2003, UNAFRI was represented and participated in all the workshops.

24. UNAFRI continued its participation in various meetings, seminars and conferences at the subregional, regional and international levels, developing new contacts and consolidating current partnerships in pursuit of prospects for joint cooperation with possible donors.

25. The Institute was represented at the following meetings:

(a) The fourth session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, held in Vienna from 13 to 24 January 2003;

(b) Meeting of Experts on the Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice, held in Stadtschlaining, Austria, from 10 to 12 February 2003;

(c) The twenty-sixth session of the Labour and Social Affairs Commission of the African Union, held in Grand Baie, Mauritius, from 10 to 14 April 2003.

III. Funding and support

26. The total resources of the Institute for the period from January 2002 to 30 June 2003 amounted to $952,691. The funds were derived from (a) assessed contributions of member States ($527,081); (b) the 2002/2003 United Nations grant ($380,300); and (c) other income received from rental of Institute premises and facilities and interest on deposits ($45,310).

A. Assessed financial contributions of member States

27. The Governments of Burkina Faso, The Gambia, the Libyan Arab Jamahiriya, Tunisia and Uganda paid their assessed contributions and arrears for the period 2002-2003, which amounted to $177,093. Although there is some noticeable improvement in assessed collections, the outstanding balance in assessed financial contributions of member States remains high. As at 1 June 2003, of total assessed contributions of $3,594,766 for the period 1989-2003, only $960,523 had been received, leaving an outstanding balance of $2,634,242. At the eighth meeting of the Governing Board of the Institute, held in Addis Ababa on 17 and 18 March 2003, concern was expressed about the high level of indebtedness of most member States and the secretariat was requested to devise some form of sanctions to be imposed on indebted members, such as (a) giving priority to paid-up member States whenever there were opportunities such as training programmes or consultancies at the Institute; and (b) denying employment opportunities to nationals of indebted member States.

B. United Nations grant

28. The United Nations grant to the Institute in the amount of $380,300 was continued in the biennium 2002-2003. The portion of the grant for the year 2003, amounting to $102,400, continued to cover the salaries of the Director, Deputy Director, Research Adviser, Information Documentary Adviser, Training Adviser, Administrative/Finance Officer and some operational expenses. At its eighth session, the Governing Board expressed special gratitude to the General Assembly for the continued funding support given to UNAFRI.

29. It is recalled that, at its sixth session, held in Kampala on 29 and 30 May 2000, the Governing Board requested the secretariat of UNAFRI to prepare a paper on the emoluments and other benefits of staff and submit it to the Board at the seventh session. At that session, held in Kampala on 5 and 6 December 2001, the Governing Board, after considering a comparative study of salary scales offered by similar institutions in Africa and by ECA, endorsed, subject to the availability of funds, recommendations that (a) UNAFRI salaries and emoluments be adjusted to correspond to those of ECA; and (b) the secretariat of UNAFRI undertake the restructuring of the Institute's salary scale followed by job competence analysis. The Board was also informed that, since the new salaries were expected to be paid

from the United Nations grant, the earliest they could become effective was the biennium 2004-2005, since the programme budget for the biennium 2002-2003 containing the current scales had already been considered by the General Assembly.

30. At its eighth session, held in Addis Ababa on 17 and 18 March 2003, the Governing Board reiterated the opinion of the Secretary-General contained in the related report (A/57/135) that the application of the United Nations salary scale to UNAFRI, which had its own staff regulations and financial rules and regulations, should be conditional on an extensive revision of the UNAFRI rules in order to accommodate the related provisions of the Staff Rules and Regulations and the Financial Regulations and Rules of the United Nations, which govern the salaries and emoluments of United Nations staff. Taking into account that the UNAFRI staff regulations and financial regulations and rules have yet to be revised, the grant was included in the proposed programme budget for the biennium 2004-2005 at its maintenance level of $380,300.

31. In that connection, the Board requested ECA to prepare a draft revision of the UNAFRI rules and regulations in order to accommodate the related provisions of the Staff Rules and Regulations and the Financial Regulations and Rules of the United Nations, which govern the salaries and emoluments of United Nations staff and submit the revisions, after consideration by the Governing Board, to the Conference of Ministers of ECA for approval.

C. Other sources of income

32. The Institute generated income amounting to $30,421 for the period from July 2002 to May 2003 from its rented facilities. As noted in the previous report, income from that source continued to be reduced because of the repossession of premises formerly rented out and their allocation to newly recruited international staff.

IV. The future of the African Institute for the Prevention of Crime and the Treatment of Offenders

33. A series of activities has been designed to ensure the sustained service of the Institute to its stakeholders. Those activities have been identified in consultation with member States and aim to consolidate collaborative efforts in mobilizing support for the programmes of the Institute. The lack of financial support to the Institute from member States has largely been attributed to the poor perception of the Institute and its relevance to the crime prevention efforts in the region by member States. Accordingly, research and training programmes have been designed to reflect the need for a continued flow of information and action-oriented dialogue between the Institute and member States and efforts are to be made to ensure the involvement of stakeholders in every activity.

34. The medium-term strategy and action plan for the period 2002-2006 have been formulated to address, inter alia, resource mobilization. Strategies have been designed to reach out, where possible, to member States through diplomatic

missions. The diplomatic missions are a viable channel of mobilization of support for the Institute.

35. Efforts have also been made to cultivate strong partnerships with the media in the publicity campaign for the Institute and its programmes. The project proposals and proposed activities require wide circulation through the media to the intended beneficiaries.

V. Strategies for sustaining the Institute

36. In its resolution 57/172, the General Assembly commended the African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa, commended the Secretary-General for his efforts to mobilize the financial resources necessary to provide the Institute with the core professional staff required to enable it to function effectively in the fulfilment of its mandated obligations and requested him to make concrete proposals to strengthen the programmes and activities of the Institute and to report to the Assembly at its fifty-eighth session on the implementation of the resolution; reiterated the need to further strengthen the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries; and urged the member States of the Institute to make every possible effort to meet their obligations to the Institute and called upon them to adopt concrete practical measures to support the Institute in the development of the requisite capacity and to implement its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa.

37. As a follow-up, efforts to enhance the collection of assessed contributions from member States have been stepped up and members are responding positively, although a number are still highly indebted to the Institute, as indicated in paragraph 27 above.

38. At its eighth session, the Governing Board approved the medium-term strategy and plan of action of the Institute, calling on the secretariat to optimize the available resources, urgently implement the plan and intensify communication with stakeholders. The Institute realizes its future will depend on its capacity to identify and develop programmes that will interest stakeholders. The Institute will advance policy and programme proposals for criminal justice in the context of national development, through expert group meetings to formulate guidelines on criminal policies and measures to be integrated in national development structures.

VI. Conclusions

39. In accordance with the provisions of various General Assembly resolutions, in particular resolution 57/172 and in order to carry out the mission of the Institute set forth in its approved medium-term strategy and action plan for the period 2002-2007, the following proposals are made to strengthen the Institute's capacity to fulfil its mandate:

(a) The close cooperation and partnership of the United Nations Office on Drugs and Crime with the Institute should be strengthened;

(b) Potential donors and relevant international funding agencies including, inter alia, the World Bank and the United Nations Development Programme Regional Bureau for Africa, should be called upon to make financial contributions to the Institute for the effective implementation of its work programme;

(c) Member States of the Institute should be urged to meet their financial obligations so as to show their support to the Institute and thus attract additional funding from other sources.